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FROM THE

UNITED STATES GOVERNMENT

THROUGH

THE MILITARY LAWS OF THE UNITED STATES 1915

SUPPLEMENT

CONTAINING THE LAWS OF THE 64TH CONGRESS AND THE 1ST SESSION OF THE 65TH CONGRESS, FROM DECEMBER, 1915, TO OCTOBER 6, 1917

(This Supplement supersedes the Supplement in the Military Laws of 1915 which includes laws to March 5, 1917)

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THE PRESIDENT.

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1a. *Threats against the President, punishment for.*—Any person who knowingly and willfully deposits or causes to be deposited for conveyance in the mail or for delivery from any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of or to inflict bodily harm upon the President of the United States, or who knowingly and willfully otherwise makes any such threat against the President, shall upon conviction be fined not exceeding one thousand dollars or imprisoned not exceeding five years, or both. *Act of Feb. 14, 1917 (39 Stat. 919).*

12a. *Details of clerks to the Executive Office.*—Employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States for such temporary assistance as may be necessary. *Act of May 10, 1916 (39 Stat. 76).*

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28a. *Temporary employees, War Department.*—For the temporary employment of such additional force of clerks and other employees as in the judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, to be allotted by the Secretary of War to such bureaus and offices as the exigencies of the existing situation may demand, $4,261,232. *Act of Oct. 6, 1917 (40 Stat. 351).*

(See paragraph 44d, post.)

28b. *Same—Report to Congress as to number, compensation, etc.*—The Secretary of War shall submit to Congress on the first day of its next regular session a statement showing by bureaus or offices the number and designation of the persons employed hereunder and the annual rate of compensation paid to each. *Id.*

35e. *Limit as to number receiving maximum compensation.*—No more than thirty persons shall be employed hereunder at a rate of compensation in excess of $1,800 per annum each and not exceeding $2,000 per annum each. *Id.*

35a. *Details for service outside of District restricted.*—In expending appropriations made in this Act persons in the classified service at Washington, District of Columbia, shall not be detailed for service outside of the District of Columbia except for or in connection with work pertaining directly to the service at the seat of government of the department or other Government establishment from which the detail is made: *Provided*, That nothing in this section shall be construed to apply to the investigation of any matter or the preparation, prosecution, or defense of any suit by the Department of Justice. *Sec. 5, Acts of May 10, 1916, and Mar. 3, 1917* (*39 Stat. 120, 1121*).

(See paragraph 206o, post.)

35a. *Lump-sum appropriations, payment of additional salaries to employees from, forbidden.*—It shall not be lawful hereafter to pay to any person, employed in the service of the United States under any general or lump-sum appropriation, any sum additional to the regular compensation received for or attached to any employment fixed prior to an appointment or designation as acting for or instead of an occupant of any other office or employment. This provision shall not be construed as prohibiting regular and permanent appointments by promotion from lower to higher grades of employments. *Sec. 12, Act of Aug. 1, 1914* (*38 Stat. 680*).

35a. *Transfer of clerks, etc., of executive departments to independent establishments, etc.*—Section five of the Act of June twenty-second, nineteen hundred and six, prohibiting the transfer of employees from one executive department to another, shall apply with equal force and effect to the transfer of employees from executive departments to independent establishments and vice versa and to the transfer of employees from one independent establishment to another: *Provided*, That the United States Shipping Board Emergency Fleet Corporation shall be considered a Government establishment for the purposes of this section. *Sec. 5, Act of June 22, 1906* (*34 Stat. 449*), *as amended by sec. 6, Act of Oct. 6, 1917* (*40 Stat. 383*).

35b. *Employment of civil employees of executive departments, etc., in other executive departments, etc., at increased rate of compensation prohibited.*—No civil employee in any of the executive departments or other Government establishments, or who has been employed therein within the period of one year next preceding his proposed employment in any other executive department or other Govern-

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and twelve, and the duty of investigating the administrative needs of the service relating to personnel in the several executive departments and independent establishments, imposed on the Civil Service Commission by the legislative, executive, and judicial appropriation Act approved March fourth, nineteen hundred and thirteen, are transferred to the Bureau of Efficiency. *Id.*

40d. *Same—Establish and maintain system of efficiency ratings, investigate duplication of work, etc.*—To enable the Bureau of Efficiency, authorized by the urgent deficiency appropriation Act approved February twenty-eighth, nineteen hundred and sixteen, to establish and maintain a system of efficiency ratings, to investigate administrative needs of the service relating to personnel in the several executive departments and independent establishments, required by legislative, executive, and judicial appropriation Acts for the fiscal years nineteen hundred and thirteen and nineteen hundred and fourteen, respectively, and to investigate duplication of statistical and other work and methods of business in the various branches of the Government service * * *. *Act of May 10, 1916 (39 Stat. 76).*

40e. *Same—Investigate methods of auditing accounts of disbursing officers, etc.*—The Bureau of Efficiency shall investigate the methods of examining and auditing claims against the United States and accounts of disbursing officers and of accounting for receipts and disbursements and shall submit a report to the Secretary of the Treasury and to Congress, with recommendations, at its next regular session. *Act of Mar. 3, 1917 (39 Stat., 1080).*

40f. *Same—Investigate and report upon methods of transacting business in Civil Service Commission.*—The Bureau of Efficiency shall investigate the methods of transacting the public business in the Civil Service Commission and report to Congress through the President at the next regular session of Congress. The officers and employees of the Civil Service Commission are hereby directed to furnish said bureau with such information as it may require to carry out this provision. *Id.*

40g. *Same—Ascertain rates of pay of State and municipal employees.*—The Bureau of Efficiency shall ascertain the rates of pay of employees of various State and municipal governments and commercial institutions in different parts of the United States and shall submit to Congress at its next regular ression a report showing how such rates compare with the rates of pay of employees of the Federal Government performing similar services. *Id., 1081.*

40h. *Same—Executive departments to furnish information, access to records, etc.*—Officers and employees of the executive departemnts and other establishments shall furnish authorized representatives of the Bureau of Efficiency with all information that the bureau may

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original rates of compensation, and the increased rates of compensation provided for herein. *Id.*

44c. *Same—Increase only applies to employees of Military Establishment on rolls at close of preceding year.*—During the fiscal year nineteen hundred and eighteen, all civilian employees in the Military Establishment, including on the lump-sum rolls only those persons who are carried thereon at the close of the fiscal year ending June thirtieth, nineteen hundred and seventeen, shall receive increased compensation at the rate of 10 per centum per annum to such employees who receive salaries or wages in such establishment at a rate per annum of less than $1,200, and increased compensation at a rate of five per centum per annum to such employees who receive salaries or wages in such establishment at a rate of not more than $1,800 per annum and not less than $1,200 per annum: *And provided further*, That so much as may be necessary for this purpose is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.[1]—*Act of May 12, 1917 (40 Stat., 74).*

44d. *Temporary employment of additional force; report to Congress as to number, designation, and compensation.*—For the temporary employment of such additional force of clerks and other employees as in the judgment of the Secretary of War may be proper

[1] The question was presented whether Army field clerks and fields clerks, Quartermaster Corps, are entitled to the benefits of the provision in the Army appropriation act, approved May 12, 1917, for 5 and 10 per cent increases in the compensation of "all civilian employees in the Military Establishment."

Held, that Army field clerks and field clerks, Quartermaster Corps, not being regarded as civilian employees, they are not entitled to the benefits of the statute mentioned.

(Comp. Treas., June 14 and 27, 1917. War Dept. Bul. 49, Aug. 22, 1917.)

The following question was presented for decision:

"A civilian employee being in the service prior to June 30, 1917, in the capacity of laborer is dropped on July 5, 1917, as such, and reemployed on July 6 as packer. Is he entitled to the 10 per cent increase in pay under the act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes, and upon what is it based?"

Held, that if the employee in question is a civilian employee in the Military Establishment and was borne on a lump-sum roll on June 30, 1917, he is entitled to the percentage increase, *on his compensation as packer*, provided the position or rating of packer existed or was recognized at the close of the fiscal year 1917 and the rate of compensation thereof does not exceed $1,800 per annum or $5 per day; but if the position or rating of packer is a newly established one not recognized during the fiscal year 1917, the employee receiving such rating is entitled only to the compensation fixed therefor without any percentage increase.

(Comp. Treas., Aug. 7, 1917. War Dept. Bul. 54, Sept. 26, 1917.)

Certain employees of the Military Establishment who were in the service June 30, 1917, and borne on lump-sum rolls were thereafter promoted to other positions in the military service also payable from lump-sum appropriations. As to whether they were entitled to the percentage increases provided for in the Army appropriation act approved May 12, 1917, on the salaries of the positions to which they were promoted.

Held, that if the positions or rating to which they were promoted existed or were recognzed in the Military Establishment at the close of the fiscal year 1917, such employees were entitled to the percentage increases.

(Comp. Treas., Aug. 27, 1917. Id.)

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66j. *Death resulting from injury within six years, rates of pay.*—If death results from the injury within six years, the United States shall pay to the following persons for the following periods a monthly compensation equal to the following percentages of the deceased employee's monthly pay, subject to the modification that no compensation shall be paid where the death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury. *Sec. 10, id., 744.*

66k. *Same—To widow, if there is no child.*—To the widow, if there is no child, thirty-five per centum. This compensation shall be paid until her death or marriage. *Id., clause A.*

66l. *Same—To the widower, if there is no child.*—To the widower, if there is no child, thirty-five per centum if wholly dependent for support upon the deceased employee at the time of her death. This compensation shall be paid until his death or marriage. *Id., clause B.*

66m. *Same—To the widow or widower, if there is a child, and to minor child.*—To the widow or widower, if there is a child, the compensation payable under clause (A) or clause (B) and in addition thereto ten per centum for each child, not to exceed a total of sixty-six and two thirds per centum for such widow or widower and children. If a child has a guardian other than the surviving widow or widower, the compensation payable on account of such child shall be paid to such guardian. The compensation payable on account of any child shall cease when he dies, marries, or reaches the age of eighteen, or, if over eighteen, and incapable of self-support, becomes capable of self-support. *Id., clause C.*

66n. *Same—To children in absence of widow or widower.*—To the children, if there is no widow or widower, twenty-five per centum for one child and ten per centum additional for each additional child, not to exceed a total of sixty-six and two-thirds per centum, divided among such children share and share alike. The compensation of each child shall be paid until he dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a child under legal age shall be paid to its guardian. *Id., clause D.*

66o. *Same—To dependent parents in absence of widow, widower, or child.*—To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, twenty-five per centum; if both are wholly dependent, twenty per centum to each; if one is or both are

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care of contractors' employees may be authorized from appropriations for cantonment construction, the limitations on the use of Army appropriations would preclude payments from such appropriations of the necessary expenditures involved. (War Dept. Bul. 54, Sept. 26, 1917.)

partly dependent, a proportionate amount in the discretion of the commission. *Id., clause E.*

66p. *Same—To dependent parents where there is widow, widower, or child.*—The above percentages shall be paid if there is no widow, widower, or child. If there is a widow, widower, or child, there shall be paid so much of the above percentages as, when added to the total percentages payable to the widow, widower, and children, will not exceed a total of sixty-six and two-thirds per centum. *Id.*

66q. *Same—To dependent brothers, sisters, grandparents, and grandchildren, in absence of widow, widower, child, or dependent parent.*—To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his death, twenty per centum to such dependent; if more than one are wholly dependent, thirty per centum, divided among such dependents share and share alike; if there is no one of them wholly dependent, but one or more partly dependent, ten per centum divided among such dependents share and share alike. *Id., clause F.*

66r. *Same—To dependent brothers, sisters, grandparents, and grandchildren, where there is widow, widower, child, or dependent parent.*—The above percentages shall be paid if there is no widow, widower, child, or dependent parent. If there is a widow, widower, child, or dependent parent, there shall be paid so much of the above percentages as, when added to the total percentage payable to the widow, widower, children, and dependent parents, will not exceed a total of sixty-six and two-thirds per centum. *Id., 745.*

66s. *Same—Duration of compensation under clauses E and F.*—The compensation of each beneficiary under clauses (E) and (F) shall be paid for a period of eight years from the time of the death, unless before that time he, if a parent or grandparent, dies, marries, or ceases to be dependent, or, if a brother, sister, or grandchild, dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his or her guardian. *Id., clause G.*

66t. *Same—Definition of terms child, brother, sister, parent, widow, widower, etc.*—As used in this section, the term "child" includes stepchildren, adopted children, and posthumous children, but does not include married children. The terms "brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but do not include married brothers or married sisters. All of the above terms and the term "grandchild" include only persons who at the time of the death of the deceased employee are under eighteen years of age or over that

age and incapable of self-support. The term "parent" includes step-parents and parents by adoption. The term "widow" includes only the decedent's wife living with or dependent for support upon him at the time of his death. The term "widower" includes only the decedent's husband dependent for support upon her at the time of her death. The terms "adopted" and "adoption," as used in this clause, include only legal adoption prior to the time of the injury. *Id., clause H.*

66u. *Compensation of remaining persons where compensation of one person ceases.*—Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death. *Id., clause I.*

66v. *Commission may modify apportionment to avoid injustice when made to two or more classes.*—In case there are two or more classes of persons entitled to compensation under this section and the apportionment of such compensation, above provided, would result in injustice, the commission may, in its discretion, modify the apportionment to meet the requirements of the case. *Id., clause J.*

66w. *Same—Total monthly compensation not to exceed monthly pay at a maximum of one hundred dollars and a minimum of fifty dollars.*—In computing compensation under this section, the monthly pay shall be considered not to be more than $100, nor less than $50, but the total monthly compensation shall not exceed the monthly pay computed as provided in section twelve. *Id., clause K.*

66x. *Same—Penalty for accepting compensation after right to ceases.*—Any person entitled to compensation under this section, whose compensation by the terms of this section ceases upon his marriage, accepts any payments of compensation after his marriage he shall be punished by a fine of not more than $2,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. *Id., clause L.*

66y. *Burial expenses of employees dying from injuries, and transportation of their remains.*—If death results from the injury within six years the United States shall pay to the personal representative of the deceased employee burial expenses not to exceed $100, in the discretion of the commission. In the case of an employee whose home is within the United States, if his death occurs away from his home office or outside of the United States, and if so desired by his relatives, the body shall, in the cretion of the commission, be embalmed and transported in a her tically sealed casket to the home of the employee. Such burial expenses shall not be paid and

such transportation shall not be furnished where the death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury. *Sec. 11, id.*

66z. *Practice of particular branch of service to be followed in computing monthly pay; overtime pay not to be counted.*—In computing the monthly pay the usual practice of the service in which the employee was employed shall be followed. Subsistence and the value of quarters furnished an employee shall be included as part of the pay, but overtime pay shall not be taken into account. *Sec. 12, id. 746.*

66aa. *Partial disability, method of determining employee's wage-earning capacity.*—In the determination of the employee's monthly wage-earning capacity after the beginning of partial disability, the value of housing, board, lodging, and other advantages which are received from his employer as a part of his remuneration and which can be estimated in money shall be taken into account. *Sec. 13, id.*

66bb. *Lump-sum payment in certain cases in lieu of monthly compensation, method of determining amount of.*—In cases of death or of permanent total or permanent partial disability, if the monthly payment to the beneficiary is less than $5 a month, or if the beneficiary is or is about to become a nonresident of the United States, or if the commission determines that it is for the best interests of the beneficiary, the liability of the United States for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at four per centum true discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed sixty months' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded. *Sec. 14, id.*

66cc. *Written notice of injury to employee, time limit for giving.*—Every employee injured in the performance of his duty, or some one on his behalf, shall, within forty-eight hours after the injury, give written notice thereof to the immediate superior of the employee. Such notice shall be given by delivering it personally or by depositing it properly stamped and addressed in the mail. *Sec. 15, id.*

66dd. *Same—Information which notice shall contain.*—The notice shall state the name and address of the employee, the year, month, day, and hour when and the particular locality where the injury occurred, and the cause and nature of the injury, and shall be signed

by and contain the address of the person giving the notice. *Sec. 16, id.*

66ee. *Same—Failure to give notice within time limit may be waived for cause.*—Unless notice is given within the time specified or unless the immediate superior has actual knowledge of the injury, no compensation shall be allowed, but for any reasonable cause shown, the commission may allow compensation if the notice is filed within one year after the injury. *Sec. 17, id.*

66ff. *Claim for compensation, time limit for and method of making.*—No compensation under this Act shall be allowed to any person, except as provided in section thirty-eight, unless he or some one on his behalf shall, within the time specified in section twenty, make a written claim therefor. Such claim shall be made by delivering it at the office of the commission or to any commissioner or to any person whom the commission may by regulation designate, or by depositing it in the mail properly stamped and addressed to the commission or to any person whom the commission may by regulation designate. *Sec. 18, id.*

66gg. *Same—To be made on forms, accompanied by certificate, etc.*—Every claim shall be made on forms to be furnished by the commission and shall contain all the information required by the commission. Each claim shall be sworn to by the person entitled to compensation or by the person acting on his behalf, and, except in case of death, shall be accompanied by a certificate of the employee's physician stating the nature of the injury and the nature and probable extent of the disability. For any reasonable cause shown the commission may waive the provisions of this section. *Sec. 19, id.*

66hh. *Same—Original claims for disability and death, time limit.*—All original claims for compensation for disability shall be made within sixty days after the injury. All original claims for compensation for death shall be made within one year after the death. For any reasonable cause shown the commission may allow original claims for compensation for disability to be made at any time within one year. *Sec. 20, id. 747.*

66ii. *Examination of employees receiving compensation, method of making, and penalty for refusal to submit to.*—After the injury the employee shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission. The employee may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations after the first the employee shall, in the discretion of the commission, be paid his reasonable traveling and other expenses and loss of wages incurred in order to submit to such examination. If the employee

refuses to submit himself for or in any way obstructs any examination, his right to claim compensation under this Act shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to him. *Sec. 21, id.*

66jj. *Same—Appointment of third physician to examine in case of disagreement between physicians of commission and employees.*—In case of any disagreement between the physician making an examination on the part of the United States and the employee's physician the commission shall appoint a third physician, duly qualified, who shall make an examination. *Sec. 22, id.*

66kk. *Same—Fees for examinations on part of United States to be fixed by commission.*—Fees for examinations made on the part of the United States under sections twenty-one and twenty-two by physicians who are not already in the service of the United States shall be fixed by the commission. Such fees, and any sum payable to the employee under section twenty-one, shall be paid out of the appropriation for the work of the commission. *Sec. 23, id.*

66ll. *Report of injury to be made to commission by employee's superior.*—Immediately after an injury to an employee resulting in his death or in his probable disability his immediate superior shall make a report to the commission containing such information as the commission may require, and shall thereafter make such supplementary reports as the commission may require. *Sec. 24, id.*

66mm. *No payment to assignee or creditor.*—Any assignment of a claim for compensation under this Act shall be void, and all compensation and claims therefor shall be exempt from all claims of creditors. *Sec. 25, id.*

66nn. *Injury involving claim against third person, etc., assignment of to United States.*—If an injury or death for which compensation is payable under this Act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the commission may require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person, or the commission may require said beneficiary to prosecute said action in his own name. *Sec. 26, id.*

66oo. *Same—Penalty for failure to assign or to prosecute claim in own name.*—If the beneficiary shall refuse to make such assignment or to prosecute said action in his own name when required by the commission, he shall not be entitled to any compensation under this Act. *Id.*

66pp. *Same—Disposition by United States of money received in settlement of such claim.*—The cause of action when assigned to the United States may be prosecuted or compromised by the commission, and if the commission realizes upon such cause of action, it shall apply the money or other property so received in the following manner: After deducting the amount of any compensation already paid to the beneficiary and the expenses of such realization or collection, which sum shall be placed to the credit of the employees' compensation fund, the surplus, if any, shall be paid to the beneficiary and credited upon any future payments of compensation payable to him on account of the same injury. *Id.*

66qq. *Money received by beneficiary in settlement of third person's liability for the injury, disposition of.*—If an injury or death for which compensation is payable under this Act is caused under circumstances creating a legal liability in some person other than the United States to pay damages therefor, and a beneficiary entitled to compensation from the United States for such injury or death receives, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person, such beneficiary shall, after deducting the costs of suit and a reasonable attorney's fee, apply the money or other property so received in the following manner. *Sec. 27, id.*

66rr. *Same—If compensation has been paid in whole or in part by United States.*—If his compensation has been paid in whole or in part, he shall refund to the United States the amount of compensation which has been paid by the United States and credit any surplus upon future payments of compensation payable to him on account of the same injury. Any amount so refunded to the United States shall be placed to the credit of the employees' compensation fund. *Id., clause A, 748.*

66ss. *Same—If no compensation has been paid by United States.*—If no compensation has been paid to him by the United States, he shall credit the money or other property so received upon any compensation payable to him by the United States on account of the same injury. *Id., clause B.*

66tt. *United States Employees' Compensation Commission, composition, term, and salary of.*—A commission is hereby created, to be known as the United States Employees' Compensation Commission, and to be composed of three commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as chairman. No commissioner shall hold any other office or position under the United States. No more than two of said commissior shall be members of the same political party. One of said commissioners shall be appointed for a

term of two years, one for a term of four years, and one for a term of six years, and at the expiration of each of said terms the commissioner then appointed shall be appointed for a period of six years. Each commissioner shall receive a salary of $4,000 a year. The principal office of said commission shall be in Washington, District of Columbia, but the said commission is authorized to perform its work at any place deemed necessary by said commission, subject to the restrictions and limitations of this Act. *Sec. 28, id.*

66uu. *Same—Pending claims transferred to the commission, together with certain clerks.*—Upon the organization of said commission and notification to the heads of all executive departments that the commission is ready to take up the work devolved upon it by this Act, all commissions and independent bureaus, by or in which payments for compensation are now provided, together with the adjustment and settlement of such claims, shall cease and determine, and such executive departments, commissions, and independent bureaus shall transfer all pending claims to said commission to be administered by it. The said commission may obtain in all cases, in addition to the reports provided in section twenty-four, such information and such reports from employees of the departments as may be agreed upon by the commission and the heads of the respective departments. All clerks and employees now exclusively engaged in carrying on said work in the various executive departments, commissions, and independent bureaus shall be transferred to and become employees of the commission at their present grades and salaries. *Sec. 28a, id.*

66vv. *Commission authorized to issue process, administer oaths, etc.*—The commission, or any commissioner by authority of the commission, shall have power to issue subpœnas for and compel the attendance of witnesses within a radius of one hundred miles, to require the production of books, papers, documents, and other evidence, to administer oaths, and to examine witnesses upon any matter within the jurisdiction of the commission. *Sec. 29, id.*

66ww. *Same—Assistants, clerks, and other employees.*—The commission shall have such assistants, clerks, and other employees as may be from time to time provided by Congress. They shall be appointed from lists of eligibles to be supplied by the Civil Service Commission, and in accordance with the civil-service law. *Sec. 30, id.*

66xx. *Commission to submit annual estimates.*—The commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the work of the commission. *Sec. 31, id. 749.*

66yy. *Same—To make rules and regulations for enforcement of, and to decide questions arising under Act.*—The commission is authorized to make necessary rules and regulations for the enforcement

of this Act, and shall decide all questions arising under this Act. *Sec. 32, id.*

66zz. *Same—Annual report to Congress.*—The commission shall make to Congress at the beginning of each regular session a report of its work for the preceding fiscal year, including a detailed statement of appropriations and expenditures, a detailed statement showing receipts of and expenditures from the employees' compensation fund, and its recommendations for legislation. *Sec. 33, id.*

66aaa. *Appropriation for expenses of commission, fiscal year 1917.*—For the fiscal year ending June thirtieth, nineteen hundred and seventeen, there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of $50,000 for the work of the commission, including salaries of the commissioners and of such assistants, clerks, and other employees as the commission may deem necessary, and for traveling expenses, expenses of medical examinations under sections twenty-one and twenty-two, reasonable traveling and other expenses and loss of wages payable to employees under section twenty-one, rent and equipment of offices, purchase of books, stationery, and other supplies, printing and binding to be done at the Government Printing Office, and other necessary expenses. *Sec. 34, id.*

66bbb. *Permanent appropriation for employees' compensation fund.*—There is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of $500,000, to be set aside as a separate fund in the Treasury, to be known as the employees' compensation fund. To this fund there shall be added such sums as Congress may from time to time appropriate for the purpose. Such fund, including all additions that may be made to it, is hereby authorized to be permanently appropriated for the payment of the compensation provided by this Act, including the medical, surgical, and hospital services and supplies provided by section nine, and the transportation and burial expenses provided by sections nine and eleven. The commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the maintenance of the fund. *Sec. 35, id.*

66ccc. *Commission to make finding of facts and award on claim presented.*—The commission, upon consideration of the claim presented by the beneficiary, and the report furnished by the immediate superior and the completion of such investigation as it may deem necessary, shall determine and make a finding of facts thereon and make an award for or against payment of the compensation provided for in this Act. Compensation when awarded shall be paid from the employees' compensation fund. *Sec. 36, id.*

66ddd. *Same—Review of award on application or on its own motion.*—If the original claim for compensation has been made within

the time specified in section twenty, the commission may, at any time, on its own motion or on application, review the award, and, in accordance with the facts found on such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, award compensation. *Sec. 37, id.*

66eee. *Same—Cancellation and recovery of award paid under mistake of law or fact.*—If any compensation is paid under a mistake of law or of fact, the commission shall immediately cancel any award under which such compensation has been paid and shall recover, as far as practicable, any amount which has been so paid. Any amount so recovered shall be placed to the credit of the employees' compensation fund. *Sec. 88, id.*

66fff. *Penalty for false affidavit or statement in support of claim.*—Whoever makes, in any affidavit required under section four or in any claim for compensation, any statement, knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than $2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. *Sec. 39, id.*

66ggg. *Definition of terms used in Act.*—Wherever used in this Act—

The singular includes the plural and the masculine includes the feminine.

The term "employees" includes all civil employees of the United States and of the Panama Railroad Company.

The term "commission" shall be taken to refer to the United States Employees' Compensation Commission provided for in section twenty-eight.

The term "physician" includes surgeons.

The term "monthly pay" shall be taken to refer to the monthly pay at the time of the injury. *Sec. 40, id. 750.*

66hhh. *Repealing clause.*—All acts or parts of acts inconsistent with this Act are hereby repealed. *Sec. 41, id.*

66iii. *Compensation for injuries occurring prior to passage of Act to be paid under old law.*—For injuries occurring prior to the passage of this Act compensation shall be paid under the law in force at the time of the passage of this Act. *Id.*

66jjj. *Compensation, method of paying, where liability exists in Panama Railroad Company for the injury.*—If an injury or death for which compensation is payable under this Act is caused under circumstances creating a legal liability in the Panama Railroad Company to pay damages therefor under the laws of any State, Territory, or possession of the United States or of the District of Columbia or any foreign country, no compensation shall be payable until the person entitled to compensation releases to the Panama Railroad Company any right of action which he may have to enforce

such liability of the Panama Railroad Company, or until he assigns to the United States any right which he may have to share in any money or other property received in satisfaction of such liability of the Panama Railroad Company. *Id.*

66kkk. *Transfer of administration of Act as to employees of Panama Canal and Alaska Engineering Commission.*—The President may, from time to time, transfer the administration of this Act so far as employees of the Panama Canal and of the Panama Railroad Company are concerned to the governor of the Panama Canal, and so far as employees of the Alaskan Engineering Commission are concerned to the chairman of that commission, in which cases the words "commission" and "its" wherever they appear in this Act shall, so far as necessary to give effect to such transfer, be read "governor of the Panama Canal" or "chairman of the Alaskan Engineering Commission," as the case may be, and "his"; and the expenses of medical examinations under sections twenty-one and twenty-two, and the reasonable traveling and other expenses and loss of wages payable to employees under section twenty-one, shall be paid out of appropriations for the Panama Canal or for the Alaskan Engineering Commission or out of funds of the Panama Railroad, as the case may be, instead of out of the appropriation for the work of the commission. *Sec. 42, id.*

66lll. *Waiver of notice of claims as to employees of Panama Canal and Panama Railroad Company; modification of minimum limit as to aliens, etc.*—In the case of compensation to employees of the Panama Canal or of the Panama Railroad Company for temporary disability, either total or partial, the President may authorize the governor of the Panama Canal to waive, at his discretion, the making of the claim required by section eighteen. In the case of alien employees of the Panama Canal or of the Panama Railroad Company, or of any class or classes of them, the President may remove or modify the minimum limit established by section six on the monthly compensation for disability and the minimum limit established by clause (K) of section ten o the monthly pay on which death compensation is to be computed. The President may authorize the governor of the Panama Canal and the chairman of the Alaskan Engineering Commission to pay the compensation provided by this Act, including the medical, surgical, and hospital services and supplies provided by section nine and the transportation and burial expenses provided by sections nine and eleven, out of the appropriations for the Panama Canal and for the Alaskan Engineering Commission, such appropriations to be reimbursed for such payments by the transfer of funds from the employees' compensation fund. *Id.*

75a. *Authorized to exchange typewriters, adding machines, and other labor saving devices.*—The executive departments and other

Government establishments and all branches of the public service may hereafter exchange typewriters, adding machines, and other similar labor saving devices in part payment for new machines used for the same purpose as those proposed to be exchanged. There shall be submitted to Congress, on the first day of the session following the close of each fiscal year, a report showing, as to each exchange hereunder, the make of the article, the period of its use, the allowance therefor, and the article, make thereof, and price, including exchange value, paid or to be paid for each article procured through such exchange.[1] *Sec. 5, act of Mar. 4, 1915 (38 Stat. 1161).*

77a. *Subscriptions for periodicals for executive departments.*—Hereafter subscriptions to periodicals, which have been certified in writing by the respective heads of the executive departments or other Government establishments to be required for official use, may be paid in advance from appropriations available therefor.[1] *Sec. 5, act of Mar. 4, 1915 (38 Stat. 1049).*

81a. *Business methods—Restriction on payments to experts to inaugurate new, etc.*—No part of any money appropriated in this or any other Act shall be used for compensation or payment of expenses of accountants or other experts in inaugurating new or changing old methods of transacting the business of the United States or the District of Columbia unless authority for the employment of such services or payment of such expenses is stated in specific terms in the Act making provision therefor and the rate of compensation for such services or expenses is specifically fixed therein, or be used for compensation of or expenses for persons, aiding or assisting such accountants or other experts, unless the rate of compensation of or expenses for such assistants is fixed by officers or employees of the United States or District of Columbia having authority to do so, and such rates of compensation or expenses so fixed shall be paid only to the person so employed. *Sec. 5, act of Apr. 6, 1914 (38 Stat. 335).*

82a. *Purchases of passenger-carrying vehicles restricted to specific authorization.*—No appropriation made in this or any other Act shall be available for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle for the service of any of the executive departments or other Government establishments, or any branch of the Government service, unless specific authority is given therefor,

[1] The general statutory provisions authorizing the exchange of typewriters, adding machines, and other similar labor-saving devices (sec. 5 of the general deficiency appropriation act, approved Mar. 4, 1915, 38 Stat., 1161) and the advance payment of subscriptions to periodicals (sec. 5, legislative, executive, and judicial appropriation act, approved Mar 4, 1915, 38 Stat., 1049), *held* applicable to all branches of the public service for which appropriations are made by Congress, no specific statutory authority for the purpose in connection with the appropriations being deemed necessary. (War Dept. Bul. 18, Apr. 6, 1917.)

and after the close of the fiscal year nineteen hundred and fifteen there shall not be expended out of any appropriation made by Congress any sum for purchase, maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles for any branch of the public service of the United States unless the same is specifically authorized by law, and in the estimates for the fiscal year nineteen hundred and sixteen and subsequent fiscal years there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase, maintenance, repair, or operation of all motor-propelled or horse-drawn passenger-carrying vehicles, specifying the sums required, the public purposes for which said vehicles are intended, and the officials or employees by whom the same are to be used.[1] *Sec. 5, act of July 16, 1914 (38 Stat. 508).*

87a. *Estimates of appropriations, official to be designated to supervise and prepare for each department, etc.*—Hereafter the head of each executive department and other Government establishment shall, on or before July first in every fiscal year, designate from among the officials employed therein one person whose duty it shall be to supervise the classification and compilation of all estimates of appropriations, including supplemental and deficiency estimates to be submitted by such department or establishment. In the performance of their duties persons so designated shall have due regard for the requirements of all laws respecting the preparation of estimates, including the manner and time of their submission through the Treasury Department to Congress; they shall also, as nearly as may be practicable, eliminate from all such estimates unnecessary words and make uniform the language commonly used in expressing purposes or conditions of appropriations. *Sec. 3, act of June 23, 1913 (38 Stat. 75).*

91a. *Special or additional estimates, transmission of, to Congress.*—The Secretary of the Treasury shall not hereafter transmit special or additional estimates of appropriations to Congress unless they shall conform to the requirements of section four of the Act approved June twenty-second, nineteen hundred and six (Thirty-fourth Statutes, page four hundred and forty-eight). *Sec. 4, act of Sept. 8, 1916 (39 Stat. 830).*

96a. *Estimates for lump-sum appropriations, statements required in annual Book of Estimates.*—There shall be submitted hereafter, in the annual Book of Estimates following every estimate for a general or lump-sum appropriation, except public buildings or other public works constructed under contract, a statement showing in parallel columns:

[1] *Held*, that ordinary motorcycles are passenger-carrying vehicles within the prohibition of the act. (Comp. Treas., Sept. 8, 1916. War Dept. Bull. 39, Oct. 6, 1916.)

First, the number of persons, if any, intended to be employed and the rates of compensation to each, and the amounts contemplated to be expended for each of any other objects or classes of expenditures specified or contemplated in the estimate, including a statement of estimated unit cost of any construction work proposed to be done; and

Second, the number of persons, if any, employed and the rate of compensation paid each, and the amounts expended for each other object or class of expenditure, and the actual unit cost of any construction work done, out of the appropriation corresponding to the estimate so submitted, during the completed fiscal year next preceding the period for which the estimate is submitted.

Other notes shall not be submitted following any estimate embraced in the annual Book of Estimates other than such as shall suggest changes in form or order of arrangement of estimates and appropriations and reasons for such changes. *Sec 10, act of Aug. 1, 1914 (38 Stat. 680), amending sec. 6, act of Aug. 24, 1912 (37 Stat. 487).*

96b. *Same—To be submitted according to uniform and concise methods.*—The information required in connection with estimates for general or lump-sum appropriations by section ten of the sundry civil appropriation Act, approved August first, nineteen hundred and fourteen, shall be submitted hereafter according to uniform and concise methods which shall be prescribed by the Secretary of the Treasury, but with reference to estimates for pay of mechanics and laborers there shall be submitted in detail only the ratings and trades and the rates per diem paid or to be paid. *Sec. 4, act of July 1, 1916 (39 Stat. 336).*

96c. *Subsistence allowance outside of District of Columbia limited; estimates for.*—The heads of executive departments and other Government establishments are authorized to prescribed per diem rates of allowance not exceeding $4 in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty when not otherwise fixed by law. For the fiscal year nineteen hundred and sixteen and annually thereafter estimates of appropriations from which per diem allowances are to be paid shall specifically state the rates of such allowances. *Sec. 13, act of Aug 1, 1914 (38 Stat. 680).*

96d. *Same—Restricted to actual absence, etc.*—On and after July first, nineteen hundred and fourteen, unless otherwise expressly provided by law, no officer or employee of the United States shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty outside of the District of Columbia and away from his designated post of duty, nor any sum for

such expenses actually incurred in excess of $5 per day; nor shall any allowance or reimbursement for subsistence be paid to any officer or employee in any branch of the public service of the United States in the District of Columbia unless absent from his designated post of duty outside of the District of Columbia, and then only for the period of time actually engaged in the discharge of official duties. *Act of Apr. 6, 1914 (38 Stat. 318).*

98a. *Report to Congress plans for improvement of harbors, etc., to facilitate operation of fleets for their defense.*—The Secretary of War and the Secretary of the Navy are authorized and directed to report to Congress at the earliest practicable date:

First. Specific plans for improvement of the harbors and canals and connecting channels which, in their judgment, will best provide adequate facilities for operations of the fleet for defense of the harbors on the Atlantic, Gulf, and Pacific coasts of the United States.

Second. The feasible extensions requisite to make existing approved projects for improvement of the aforementioned harbors, canals, and channels available for the purposes stated in the foregoing paragraph.

Third. The cost of each such several improvements calculated upon the basis of completion thereof under contract within five years. *Act of Aug. 29, 1916 (39 Stat. 618).*

99a. *Rented buildings, District of Columbia, statement to include details of floor space, etc.*—Hereafter the statement of buildings rented within the District of Columbia for use of the Government, required by the act of July sixteenth, eighteen hundred and ninety-two (Statutes at Large, volume twenty-seven, page one hundred and ninety-nine),[1] shall indicate as to each building rented the area thereof in square feet of available floor space for Government uses, the rate paid per square foot for such floor space, the assessed valuation of each building, and what proportion, if any, of the rental paid includes heat, light, elevator, or other service. *Sec. 3, act of May 1, 1913 (38 Stat. 3.)*

99b. *Executive departments authorized to lease storage accommodations.*—The heads of the several executive departments are authorized to enter into contracts for the lease, for periods of not exceeding six years, of modern fireproof storage accommodations within the District of Columbia for their respective departments, at rates per square foot of available floor space not exceeding 25 cents, payable from appropriations that Congress may from time to time make for

[1] The act referred to, act of July 16, 1892 (27 Stat. 199), provides that "Hereafter it shall be the duty of the Secretary of the Treasury to cause to be prepared and submitted to Congress each year, in the annual Book of Estimates of Appropriations, a statement of the buildings rented within the District of Columbia for the use of the Government, the purposes for which rented, and the annual rental of each."

rent of buildings for their respective departments. *Act of Mar. 2, 1913 (37 Stat. 718).*

100a. *Statement of proceeds of sales, etc., to be separate from Book of Estimates.*—Hereafter the statement of the proceeds of all sales of old material, condemned stores, supplies, or other public property of any kind shall be submitted to Congress at the beginning of each regular session thereof as a separate communication and shall not hereafter be included in the annual Book of Estimates. *Sec. 6, Act of June 25, 1910 (36 Stat. 773).*

(See section 3672, Revised Statutes, as amended by act of February 27, 1877 (19 Stat. 249), or paragraph 100, ante.)

104a. *Annual reports of American National Red Cross.*—The said American National Red Cross shall, on the first day of January of each year, make and transmit to the Secretary of War a report of its proceedings for the preceding year, including a full, complete, and itemized report of receipts and expenditures of whatever kind, which report shall be duly audited by the War Department, and a copy of said report shall be transmitted to Congress by the War Department. *Sec. 6, act of Jan. 5, 1905 (33 Stat. 602).*

104b. *Same—Period covered by change from calendar to fiscal year.*—The said American National Red Cross shall as soon as practicable after the first day of July of each year make and transmit to the Secretary of War a report of its proceedings for the fiscal year ending June thirtieth next preceding, including a full, complete, and itemized report of receipts and expenditures of whatever kind, which report shall be duly audited by the War Department, and a copy of said report shall be transmitted to Congress by the War Department. *Act of Feb. 27, 1917 (39 Stat. 946), amending sec. 6, Act of Jan. 5, 1905 (33 Stat. 602).*

106a. *Annual reports, date for furnishing to printer, etc.*—Appropriations herein and hereafter made for printing and binding shall not be used for any annual report or the accompanying documents unless the copy therefor is furnished to the Public Printer in the following manner: Copies of the documents accompanying such annual reports on or before the fifteenth day of October of each year; copies of the annual reports on or before the fifteenth day of November of each year; complete revised proofs of the accompanying documents and the annual reports on the tenth and twentieth days of November of each year, respectively; and all of said annual reports and accompanying documents shall be printed, made public, and available for distribution not later than within the first five days after the assembling of each regular session of Congress. The provisions of this section shall not apply to the annual reports of the Smithsonian Institution, the Commissioner of Patents, or the Comptroller of the Currency. *Sec. 3, act of July 1, 1916 (39 Stat. 336).*

109a. *Designation of custodian of property in White House; bond.*—Hereafter the steward, housekeeper, or such other employee of the Executive Mansion as the President may designate, shall, under the direction of the President, have the charge and custody of and be responsible for the plate, furniture, and public property therein, and shall, before entering upon the duties of the office, give bond for the faithful discharge thereof, said bond to be in the sum of ten thousand dollars, and be approved by the Secretary of War. *Sec. 9, Act of June 25, 1910 (36 Stat. 773).*

109b. *Same—Annual inventory of required; approval and filing of, etc.*—Hereafter a complete inventory, in proper books, shall be made annually in the month of June, under the direction of the officer in charge of public buildings and grounds, of all the public property in and belonging to the Executive Mansion, showing when purchased, its cost, condition, and final disposition. This inventory shall be submitted to the President for his approval, and shall then be kept for reference in the Office of Public Buildings and Grounds, which shall furnish a copy thereof to the steward, housekeeper, or other employee responsible for the property. *Id., 774.*

(See sections 1832–1834, Revised Statutes.)

112a. *Printing and binding for Executive Departments, etc.*—All printing, binding,[1] and blank books for the Senate or House of Representatives and for the Executive and Judicial Departments shall be done at the Government Printing Office, except in cases otherwise provided by law. *Sec. 87, Act. of Jan. 12, 1895 (28 Stat. 622).*

112b. *Printing and binding for Army and National Guard may be procured by contract or in open market during hostilities.*—Section eighty-seven of the printing and binding Act, approved January twelfth, eighteen hundred and ninety-five (volume twenty-eight, Revised Statutes,[2] page six hundred and twenty-two), and section two of the act approved June thirtieth, nineteen hundred and six (volume thirty-four, Revised Statutes, page seven hundred and sixty-two), are hereby amended as follows:

"That in time of actual hostilities the Secretary of War may procure from commercial or other printing establishments, by contract or open market purchase, such printing and binding as may be required for the use of the Army and also for the National Guard of the several States and Territories and of the District of Columbia or other military forces while in the military service of the United States or about to be called into said service, payment for such print-

[1] See section 86 of the same act for style of bindings authorized.

[2] Twenty-eighth Statutes at Large.

ing and binding to be made from available appropriations."[1] *Act of May 12, 1917 (40 Stat. 74), amending sec. 87, act of Jan. 12, 1895 (28 Stat. 622).*

(For section 87 of the printing and binding act, see the preceding paragraph; and for section 2, act of June 30, 1906 (34 Stat. 762), see paragraph 94, *ante.*

112c. *Appropriation for printing and binding publications for instruction of land forces.*—In addition to any other appropriation available for this purpose, there is hereby appropriated $150,000, or so much thereof as may be necessary, to be immediately available, to be expended in printing and binding publications and manuals necessary for the organization and instruction of the land forces of the United States or such other necessary printing as the Secretary of War may prescribe. *Act of June 12, 1917 (40 Stat. 126).*

112d. *Same—Contracts may be entered into with private concerns for.*—The printing and binding herein authorized may be executed under contract with private concerns if, in the judgment of the Secretary of War, the public interest requires, notwithstanding the provisions of law requiring such printing and binding to be done in the Government Printing Office. *Id.*

114a. *Joint Committee on Printing, continuance of, vacancies in, and powers of during recess.*—Hereafter the members of the Joint Committee on Printing who are reelected to the succeeding Congress shall continue as members of said committee until their successors are chosen: *Provided*, That the President of the Senate and the Speaker of the House of Representatives shall, on the last day of a Congress, appoint Members of their respective Houses who have been elected to the succeeding Congress to fill any vacancies which may then be about to occur on said committee, and such appointees and the members of said committee who shall have been reelected shall continue until their successors are chosen. The Joint Committee on Printing shall, when Congress is not in session, exercise all the powers and duties devolving upon said committee as provided by law, the same as when Congress is in session. *Sec. 6, act of Mar. 3, 1917 (39 Stat. 1121).*

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[1] *Held*, that the provision in the Army appropriation act approved May 12, 1917, amending section 87 of the public printing act of January 12, 1895 (28 Stat. 622), and section 2 of the act of June 30, 1906 (34 Stat. 762), operates to remove, in time of war, the restriction against the procurement of printing from commercial concerns contained in the act of 1895 and the restriction contained in the act of 1906 against the use of any appropriations for printing other than those made specifically and solely for printing and binding, so that in time of war the War Department may procure from commercial or other printing establishments necessary printing for the military forces and pay therefor from "available appropriations."

Held further, that the said amendment of May 12, 1917, does not make available the War Department's allotment at the Government Printing Office for the procurement of printing by the department under contracts with commercial printing establishments. (War Dept. Bul. 34, June 8, 1917.)

122a. *Price of gas for public buildings limited to 70 cents.*—Hereafter no part of any money appropriated by this or any other Act shall be used for the payment to the Washington Gas Light Company or the Georgetown Gas Light Company for any gas furnished by said companies for use in any of the public buildings of the United States or the District of Columbia at a rate in excess of 70 cents per one thousand cubic feet. *Sec. 6, Act of Sept. 1, 1916 (39 Stat. 716).*

125a. *Public library depositaries to receive publications, etc., new designations authorized.*—Libraries heretofore designated by law as depositaries to receive books and other Government publications shall hereafter, during their existence, continue such receipt; and new designations may be made when libraries heretofore chosen shall cease to exist or other designations shall hereafter be authorized by law. *Sec 5, act of June 23, 1913 (38 Stat. 75).*

131a. *Forging, etc., certificate of discharge.*—Whoever shall forge, counterfeit, or falsely alter any certificate of discharge from the military or naval service of the United States, or shall in any manner aid or assist in forging, counterfeiting, or falsely altering any such certificate, or shall use, unlawfully have in his possession, exhibit, or cause to be used or exhibited, any such forged, counterfeited, or falsely altered certificate, knowing the same to be forged, counterfeited, or falsely altered, shall be fined not more than $1,000 or imprisoned not more than one year, or both, in the discretion of the court. *Act of Mar. 4, 1917 (39 Stat. 1182).*

CHAPTER III.

THE DEPARTMENT OF WAR.

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149a. *Volunteer regiments mustered out authorized to retain colors.*—The Secretary of War be, and he is hereby, authorized to permit volunteer regiments, on being mustered out of the service of the United States, to retain all of their regimental colors. Said colors shall be turned over to the State authorities to which said regiments belong, and the regimental quartermaster in making his returns may, in lieu of said colors and in full release therefor, file with the proper official of the War Department a receipt from the quartermaster-general of said State that said colors have been delivered to said State authorities. *Act of Feb. 25, 1899 (30 Stat. 890).*

150a. *Sale of Army transports Meade and Crook authorized.*—Authority is hereby granted the Secretary of War to sell or otherwise dispose of, in accordance with law and regulations, the United States Army transports Meade and Crook. *Act of Aug. 29, 1916 (39 Stat. 634).*

150b. *Same—Secretary of War to request register as United States vessels on sale of.*—On the sale or other disposal, in accordance with law and regulations, of the United States Army transports Meade and Crook, the Secretary of Commerce is hereby authorized, on request of the Secretary of War, to issue to either or both of said

vessels a register as a vessel of the United States. *Act of May 12, 1917 (40 Stat. 73).*

154a. *Reapportionment of space in the State, War, and Navy Department Building.*—The commission in charge, or a majority of the members thereof, may at any time reapportion space among the departments now occupying the State, War, and Navy Department Building if the same can be done with a reduction of the amount of floor space occupied by any branch of the public service in said building, the reduction or avoidance of public expense for rent of office or storage space for the Government, and the reduction of the number of watchmen required for said building from forty to not more than thirty-eight. *Act of May 10, 1916 (39 Stat. 94).*

154b. *Same—No department or branch of the service to be ejected.*—No arrangement of space made hereunder shall involve the ejectment from the building of any department or branch of the public service now occupying the same. *Id.*

154c. *Same—Vacated rooms not to be used for museum purposes.*—No rooms vacated under any arrangement of space hereunder shall be used for museum purposes. *Id.*

154d. *Temporary office building for use of War and Navy Departments.*—For temporary office buildings, including heating and lighting, for the use of the War and Navy Departments, to contain approximately one million and fifty-five thousand square feet, to be erected under the direction of the Secretary of War in Henry Park, reservation numbered four, Sixth and B Streets, $2,000,000. Space in said building shall be allotted by the officer in charge of Public Buildings and Grounds upon the joint order of the Secretary of War and the Secretary of the Navy: *Provided*, That within two years after the conclusion of the existing war, the land above referred to shall again be reserved for the erection of the George Washington Memorial Hall. *Act of Oct. 6, 1917 (40 Stat. 368).*

155a. *Bureau of Insular Affairs, existing law relating to organization of not repealed.*—Nothing in this Act shall be construed to repeal existing laws relating to the organization of the Bureau of Insular Affairs of the War Department. *Sec. 14, act of June 3, 1916 (39 Stat. 176).*

(For provision of section 3, act of October 6, 1917, giving the Chief of Bureau of Insular Affairs the rank, pay, and allowances of a major general, see paragraph 373a, post.)

162a. *Claims for damage to and loss of private property, settlement of by Auditor for War Department on recommendation of Secretary of War.*—For payment of claims for damages to and loss of private property incident to the training, practice, and operations of the Army that have accrued, or may hereafter accrue, from time to time, to be immediately available and to remain available until

expended: *Provided*, That settlement of such claims shall be made by the Auditor for the War Department, upon the approval and recommendation of the Secretary of War, where the amount of damages has been ascertained by the War Department, and payment thereof will be accepted by the owners of the property in full satisfaction of such damages,[1] * * *. *Act of Aug. 29, 1916 (39 Stat. 639).*

(The Army appropriation act of May 12, 1917, and the urgent deficiencies act of October 6, 1917 (40 Stat. 59, 364), contain similar provisions.)

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[1] Claims for loss of tools of workmen, which were destroyed by fire when the base hospital at Camp Bowie, Tex., was burned, are not claims for damages to, or for loss of, private property incident to the training, practice, or operation of the Army within the meaning of the Army appropriation act of May 12, 1917, or the urgent deficiency appropriation act of October 6, 1917. (Dig. Opin. J. A. G., January, 1918.)

A claim was made for damages due to the occupation of land as a camp ground by troops, the removal of trees therefrom, and the construction thereon of roads and latrines. The property was occupied without any formal lease and there was no agreement as to any payment for its use or for the timber that might be cut thereon. A board of officers convened for the purpose of investigating the said claim found that the land used was necessary for the encampment of troops, that the trees cut were removed by order of the camp commander, and that the amount of the claim was reasonable and just. *Held*, that such claim is payable from, and pursuant to the provisions of, the appropriation for damages to and loss of private property incident to the training, practice, and operations of the Army contained in the urgent deficiencies act of October 6, 1917 (40 Stat. 345, 364). (Id., February, 1918.)

CHAPTER IV.

PROVISIONS APPLICABLE TO SEVERAL CLASSES OF OFFICERS.

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Same—Amended so as not to apply to services heretofore rendered	169b

166a. *Civil service examinations hereafter to be held in State of applicant.*—Hereafter all examinations of applicants for positions in the Government service, from any State or Territory, shall be had in the State or Territory in which such applicant resides, and no person shall be eligible for such examination or appointment unless he or she shall have been actually domiciled in such State or Territory for at least one year previous to such examination. *Sec. 7, act of June 29, 1909 (36 Stat. 3).*

169a. *Persons not to receive two salaries in excess of two thousand dollars; exceptions.*—Unless otherwise specially authorized by law no money appropriated by this or any other Act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of $2,000 per annum, but this shall not apply to retired officers of the Army, Navy, or Marine Corps whenever they may be appointed or elected to public office or whenever the President shall appoint them to office by and with the advice and consent of the Senate or to officers and enlisted men of the Organized Militia and Naval Militia in the several States, Territories, and the District of Columbia.[1] *Sec. 6, act of May 10, 1916 (39 Stat. 120).*

[1] *Held*, that in the case of a retired enlisted man of the Army his pay as such is not salary within the meaning of the above statute, also that a pension is not a salary within its inhibition. (Comp. W. W. Warwick, June 3, 1916; War Dept. Bull. 18, July 8, 1916.)

In the case of a quartermaster clerk who held a commission in the National Guard and was mustered into the Federal service, *Held*, that upon his muster into the Federal service he ceased to be a member of the National Guard, within the meaning of the Act of May 10, 1916, and became an officer of the Army, and

169b. *Same—Amended so as not to apply to services heretofore rendered.*—Unless otherwise specially authorized by law, no money appropriated by this or any other Act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of $2,000 per annum, but this shall not apply to retired officers or enlisted men of the Army, Navy, Marine Corps, or Coast Guard, or to officers and enlisted men of the Organized Militia and Naval Militia in the several States, Territories, and the District of Columbia: *Provided*, That no such retired officer, officer, or enlisted man shall be denied or deprived of any of his pay, salary, or compensation as such, or of any other salary or compensation for services heretofore rendered by reason of any decision or construction of said section six.[1] *Act of Aug. 29, 1916 (39 Stat. 582), amending sec. 6, act of May 10, 1916 (39 Stat. 120).*

as such was subject to the prohibition of that act. (Comp. Treas., Jan. 3, 1917; War Dept. Bull. 9, Feb. 2, 1917.)

On the question whether a civil employee of the War Department who enlists in the Engineer Enlisted Reserve Corps can be given leave of absence with pay in his civil status while he is receiving training as a member of said corps and at the same time receive pay in his military status,

Held, that there can be no legal objection to his receiving the compensation of both places if the training is performed within his annual leave allowance, provided the combined compensation of both places does not exceed the sum of $2,000, so as to come within the prohibition of section 6 of the act of May 10, 1916, as amended (39 Stat., 582); that as the two positions are entirely distinct each with its own compensation and duties, the case does not come within the prohibitions of sections 1763, 1764, and 1765, Revised Statutes; and that the military position is not an office within the meaning of the act of July 31, 1894 (28 Stat., 205), so as to preclude a civil employee, if his salary should be $2,500 or more, from being a member of the Enlisted Reserve Corps. (War Dept. Bull. 18, Apr. 6, 1917.)

[1] A provision in the act of September 8, 1916 (39 Stat. 821), excepts A. B. Fry, a consulting engineer in another branch of the Federal service, from the restrictions against his employment and payment in the Immigration Service at Ellis Island, N. Y. And by section 9, urgent deficiencies act of October 6, 1917 (40 Stat. 384), teachers in the public schools of the District of Columbia who are employed as teachers of night schools and vacation schools are excepted from the provisions of the section.

CHAPTER V.

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182a. *National banks, duties and liabilities when designated as depositaries of public moneys.*—All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satsfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government: *Provided*, That the Secretary shall, on or before the first of January of each year, make a public statement of the securities required during that year for such deposits. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue, or for loans or stocks: *Provided*, That the Secretary of the Treasury shall distribute the deposits herein provided for, as far as practicable, equitably between the different States and sections. *Sec. 5153, R. S., as amended by Sec. 1, Act of Mar. 3, 1901 (31 Stat. 1448), Sec. 3, Act of Mar. 4, 1907 (34 Stat. 1290), Sec. 27, Act of Dec. 23, 1913 (38 Stat. 274), and Act of Aug. 4, 1914 (38 Stat. 682).*

183a. *Annual reports by auditors as to outstanding checks.*—Hereafter at the termination of each fiscal year each Auditor of the Treasury shall report to the Secretary of the Treasury all checks issued by any disbursing officer of the Government as shown by his accounts rendered to such auditor, which shall then have been outstanding and unpaid for three years or more, stating fully in such report the name of the payee, for what purpose each check was given, the office on which drawn, the number of the voucher received therefor, the date, the number, and the amount for which it was drawn, and, when known, the residence of the payee. And such reports shall be in lieu of the returns required of disbursing officers by section three hundred and ten of the Revised Statutes. *Sec. 310, R. S., as amended by Sec. 5, act of July 1, 1916 (39 Stat. 336).*

(See paragraphs 241 and 242.)

187a. *All appropriations must be specifically made.*—Hereafter no Act of Congress shall be construed to make an appropriation out of the Treasury of the United States unless such Act shall, in specific terms, declare an appropriation to be made for the purpose or purposes specified in the Act. *Act of July 1, 1902 (32 Stat. 560).*

191a. *Appropriations, reappropriation, and diversion of unexpended balances to be considered as new.*—The reappropriation and diversion of the unexpended balance of any appropriation to a purpose other than that for which it was originally made shall be construed and accounted hereafter as a new appropriation and the unexpended balance shall be reduced by the sum proposed to be so diverted. *Sec. 4, act of Mar. 4, 1915 (38 Stat. 1161).*

193a. *Report of unexpended balances to Congress.*—The Secretary of War shall make an annual report to Congress containing a statement of the appropriations of the preceding fiscal year for the Department of War, showing the amount appropriated under each specific head of appropriation, the amount expended under each head, and the balance which, on the thirtieth day of June preceding such report, remained unexpended. Such reports shall be accompanied by estimates of the probable demands which may remain on each appropriation. *Sec. 228, R. S.*

200a. *Canal Zone—Semiannual examination of accounts and vouchers, etc.*—In prescribing regulations under the provisions of section five of the sundry civil act of August first, nineteen hundred and fourteen, the President shall provide that in lieu of furnishing to the auditor individual detail collection vouchers, not provided for in said regulations, two competent persons, one from the office of the Auditor for the War Department, designated by the auditor, and one from the office of the Comptroller of the Treasury, designated by the comptroller, shall be sent semiannually, at such time as may be designated by the comptroller, to the Canal Zone to examine

the accounts and vouchers and verify the submitted schedules of collections and report in triplicate to the Auditor for the War Department, the Comptroller of the Treasury, and the auditor of the Panama Canal; and such persons shall make such other examination into the accounts of the Panama Canal as may be directed by the comptroller, and for all such purposes they shall have access to all records and papers pertaining thereto. Such examination and inspection shall be made for the period covered by the persons designated as soon as practicable, and the report of such persons shall be promptly filed. Such persons shall be furnished their transportation going and returning, including meals, and be paid a per diem of $4 from the day of sailing from the United States until return thereto, both days inclusive, in lieu of subsistence on the Isthmus and all other expenses, out of such appropriation for the Panama Canal as may be designated by the governor. *Sec. 3, act of Mar. 3, 1915 (38 Stat. 886).*

ACCOUNTS OF MILITARY ESTABLISHMENT.

205a. *Audit of at place other than seat of Government.*—The Secretary of the Treasury is authorized during the war, whenever it shall appear that the public interests require that any of the accounts of the Military Establishment be audited at any place other than the seat of Government, to direct the Comptroller of the Treasury and the Auditor for the War Department to exercise, either in person or through assistants, the powers and perform the duties of their offices at any place or places away from the seat of Government in the manner that is or may be required by law at the seat of Government and in accordance with the provisions of this section. *Sec. 12, Act of Sept. 24, 1917 (40 Stat. 293).*

205b. *Manner of exercising and performing duties.*—When the Secretary of the Treasury shall exercise the authority herein referred to, the powers and duties of the said comptroller and auditor, under and pursuant to the provisions of the Act of July thirty-first, eighteen hundred and ninety-four,[1] and all other laws conferring jurisdiction upon those officers, shall be exercised and performed in the same manner as nearly as practicable and with the same effect away from the seat of Government as they are now exercised and performed and have effect at the seat of Government, and decisions authorized by law to be rendered by the comptroller at the request of disbursing officers may be rendered with the same effect by such assistants as may be authorized by him to perform that duty. *12a, Id.*

205c. *Performance of duties in foreign countries; certification and conclusiveness of balances.*—When pursuant to this section the said

[1] See paragraphs 196, 197, 200–203, 205–211, and 213, ante.

comptroller and auditor shall perform their duties at a place in a foreign country, the balances arising upon the settlement of accounts and claims of the Military Establishment shall be certified by the auditor to the Division of Bookkeeping and Warrants of the Treasury Department as now provided for the certification of balances by said auditor in Washington, and the balances so found due shall be final and conclusive upon all branches of the Government, except that any person whose account has been settled or the commanding officer of the Army abroad, or the comptroller may obtain a revision of such settlement by the comptroller upon application therefor within three months, the decision to be likewise final and conclusive and the differences arising upon such revision to be certified to and stated by the auditor as now provided by law. *12b, Id.*

205d. *Payment of certificates of balances by disbursing officer abroad instead of by warrant.*—Certificates of balances due may be transmitted to and paid by the proper disbursing officer abroad instead of by warrant. *Id.*

205e. *Reopening and review of any settlement within one year after close of war.*—Any person whose account has been settled, or the Secretary of War, may obtain a reopening and review of any settlement made pursuant to this section upon application to the Comptroller of the Treasury in Washington within one year after the close of the war, and the action of the comptroller thereon shall be final and conclusive in the same manner as herein provided in the case of a balance found due by the auditor. *Id.*

205f. *Preservation, etc., of accounts, vouchers, and files.*—The comptroller and auditor shall preserve the accounts, and the vouchers and papers connected therewith, and the files of their offices in the foreign country and transmit them to Washington within six months after the close of the war and at such earlier time as may be directed by the Secretary of the Treasury as to any or all accounts, vouchers, papers, and files. *12c, Id.*

205g. *Appointment of assistant controller and assistant auditor; compensation.*—The Secretary of the Treasury is authorized to appoint an assistant comptroller and an assistant auditor and to fix their compensation, and to designate from among the persons to be employed hereunder one or more to act in the absence or disability of such assistant comptroller and assistant auditor. *12d, Id., 294.*

205h. *Agents, accountants, etc., number and compensation.*—He shall also prescribe the number and maximum compensation to be paid to agents, accountants, clerks, translators, interpreters, and other persons who may be employed in the work under this section by the comptroller and auditor. *Id.*

205i. *Powers of assistant comptroller and assistant auditor.*—The assistant comptroller and assistant auditor shall have full power to perform in a foreign country all the duties with reference to the settlement there of the accounts of the Military Establishment that the comptroller and auditor now have at the seat of Government and in foreign countries under the provisions of this section, and shall perform such duties in accordance with the instructions received from and rules and regulations made by the comptroller and auditor. *Id.*

205j. *Oath of office, subsistence, etc., of employees residing in foreign countries.*—Such persons as are residing in a foreign country when first employed hereunder shall not be required to take an oath of office or be required to be employed pursuant to the laws, rules, and regulations relating to the classified civil service, nor shall they be reimbursed for subsistence expenses at their post of duty or for expenses in traveling to or from the United States. *Id.*

205k. *Examination of books, etc., of contracting, purchasing, and disbursing officers.*—It shall be the duty of all contracting, purchasing, and disbursing officers to allow any representative of the comptroller or auditor to examine all books, records, and papers in any way connected with the receipt, disbursement, or disposal of public money, and to render such accounts and at such times as may be required by the comptroller. *12e, Id.*

205l. *Administrative examination of accounts settled abroad.*—No administrative examination by the War Department shall be required of accounts rendered and settled abroad, and the time within which these accounts shall be rendered by disbursing officers shall be prescribed by the comptroller, who shall have power to waive any delinquency as to time or form in the rendition of these accounts. *Id.*

205m. *Filing contracts of accounts settled abroad.*—All contracts connected with accounts to be settled by the auditor abroad shall be filed in his office there. *Id.*

205n. *Employees under section to be restored to former positions.*—Any person appointed or employed under the provisions of this section who at the time is in the service of the United States shall, upon termination of his services hereunder, be restored to the position held by him at the time of such employment. *Sec. 12f, Id.*

205o. *Details of officers, etc., for duty outside District of Columbia.*—No provision of existing law shall be construed to prevent the payment of money appropriated for the salary of any Government officer or employee at the seat of Government who may be detailed to perform duty under this section outside the District of Columbia, and such details are hereby authorized. *Id.*

(See paragraph 30a, ante.)

205p. *Appropriation for payment of expenses.*—For the payment of the expenses in carrying into effect this section, including traveling expenses, per diem of $4 in lieu of subsistence for officers and employees absent from Washington, rent, cablegrams and telegrams, printing, law books, books of reference, periodicals, stationery, office equipment and exchange thereof, supplies, and all other necessary expenses, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June thirtieth, nineteen hundred and eighteen, the sum of $300,000, of which not exceeding $25,000 may be expended at Washington for the purposes of this section, but no officer or employee shall receive for duty in Washington any compensation other than his regular salary. *Sec. 12g, Id.*

205q. *Special disbursing agents of appropriation.*—The Secretary of the Treasury may designate not more than two persons employed hereunder to act as special disbursing agents of the appropriation herein, to serve under the direction of the comptroller, and their accounts shall be rendered to and settled by the accounting officers of the Treasury in Washington. *Sec. 12h, Id.*

205r. *Additional duties of employees.*—All persons employed under this section shall perform such additional duties as the Secretary of the Treasury may direct. *Id.*

205s. *Authority to administer oaths to American citizens.*—The comptroller and the auditor, and such persons as may be authorized in writing by either of them, may administer oaths to American citizens in respect to any matter within the jurisdiction of either of said officers and certify the official character, when known, of any foreign officer whose jurat or certificate may be necessary on any paper to be filed with them. *Sec. 12i, Id. 295.*

205t. *Sale of Army stores to employees.*—Persons engaged in work abroad under the provisions of this section may purchase from Army stores for cash and at cost price for their own use such articles or stores as may be sold to officers and enlisted men. *Sec. 12j, Id.*

205u. *Termination of effective force of section six months after close of war, etc.*—The authority granted under this section shall terminate six months after the close of the war or at such earlier date as the Secretary of the Treasury may direct, and it shall be the duty of the comptroller and auditor to make such reports as the Secretary of the Treasury may require of the expenditures made and work done pursuant to this section, and such reports shall be transmitted to the Congress at such time as he may decide to be compatible with the public interest. *Sec. 12k, Id.*

205v. *Limit on compensation of officers, employees, etc.*—No officers, employees, or agents appointed or employed under this sec-

tion shall receive more salary or compensation than like officers, employees, or agents of the Government now receive. *Sec. 12l, Id.*

205w. *Date of termination of war between Germany and United States.*—For the purposes of this Act the date of the termination of the war between the United States and the Imperial German Government shall be fixed by proclamation of the President of the United States. *Sec. 13, Id.*

215a. *Loyalty restriction repealed as to claims for service in Army prior to April 13, 1861.*—Section thirty-four hundred and eighty of the Revised Statutes of the United States be, and the same is hereby, repealed so far as it affects payments for services in the Army of the United States prior to April thirteenth, eighteen hundred and sixty-one. *Act of July 6, 1914 (38 Stat. 454), repealing Sec. 3480, R. S.*

215b. *Claims under exhausted or lapsed appropriations, examination of and report to Congress.*—It shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of said section[1] that may be brought before them within a period of five years. And the Secretary of the Treasury shall report the amount due each claimant, at the commencement of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration. *Sec. 4, Act of June 14, 1878 (20 Stat. 130).*

215c. *Same—Re-examination of rejected claims.*—Nothing in this act shall be construed to authorize the re-examination and payment of any claim or account which has been once examined and rejected, unless reopened in accordance with existing law. *Id.*

217a. *Damage or loss of baggage of officers and enlisted men shipped under orders.—Recovered from United States in excess of amount paid by carrier.*—The provisions of the Act of March third, eighteen hundred and eighty-five (Twenty-third Statutes, page three hundred and fifty), entitled "An Act to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States," shall hereafter extend to cover loss of or damage to the regulation allowance of baggage of officers and enlisted men sustained in shipment under orders, to the extent of such loss or damage over and above the amount recoverable from the carrier furnishing the transportation.[2] *Act of Mar. 4, 1915 (38 Stat. 1077).*

[1] Section 5, act of June 20, 1874, paragraph 192, ante, or 18 Stat. 110.

[2] The question was presented whether this provision applies to all property which may be shipped as change-of-station allowance of baggage (including, for example, civilian clothing of the claimant officer and wearing apparel of members of his family) or whether its application is limited to such articles

217b. *Payment to officers for horses lost in battle, etc.*—Any field, or staff, or other officer, mounted militiaman, volunteer, ranger, or cavalryman, engaged in the military service of the United States, who sustains damage without any fault or negligence on his part, while in the service, by the loss of a horse in battle, or by the loss of a horse wounded in battle, which dies of the wound, or which, being so wounded, is abandoned by order of his officer and lost, or who sustains damage by the loss of any horse by death or abandonment because of the unavoidable dangers of the sea, when on board a United States transport vessel, or because the United States fails to supply transportation for the horse, and the owner is compelled by the order of his commanding officer to embark and leave him, or in consequence of the United States failing to supply sufficient forage, or because the rider is dismounted and separated from his horse and ordered to do duty on foot at a station detached from his horse, or when the officer in the immediate command orders the horse turned out to graze in the woods, prairies, or commons, because the United

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as might otherwise be certified to the auditor by the Secretary of War under the original law of 1885.

Held, that since the provisions of the act of 1885 are, by the act of March 4, 1915, *extended* to the loss or damage to private property in shipment, the *limitations* of the former act are extended, including the provision that "the liability of the Government under this act shall be limited to such articles of personal property as the Secretary of War, in his discretion, shall decide to be reasonable, useful, necessary, and proper for such officer or soldier while in quarters engaged in the public service in line of duty"; that it is only because of this limitation that the Secretary of War is required to make any certificate for the auditor in case of the loss of property of officers and enlisted men, and that therefore in the preparation of the certificates, in cases of loss of baggage, there should be listed only such articles as can be properly certified under the act of March 3, 1885. (War Dept. Bul. 34, June 8, 1917.)

The Auditor for the War Department disallowed the claim of a noncommissioned officer for the value of his household goods destroyed by fire June 30, 1916, at Seattle, Wash., while in shipment under orders, such disallowance being made for reasons stated as follows:

"As the property was not lost or destroyed by being shipped on an unseaworthy vessel, nor by reason of the claimant giving his attention to saving property belonging to the United States, no reimbursement can be made."

Upon appeal,

Held, by the comptroller, that the claimant was entitled to reimbursement under the act of March 4, 1915, which extends the provisions of the act of March 3, 1885, to cover losses of private property sustained in shipment under orders in excess of that recoverable from the carrier. This legislation authorizes and directs the accounting officers of the Treasury to examine into, ascertain, and determine the value of the regulation allowance of baggage belonging to officers and enlisted men in the military service which has been lost or damaged in such service on or after March 4, 1915, in shipment under orders; and when such loss or damage was without fault or negligence on the part of the claimant, was not sustained in time of war or hostilities with Indians, and the claim for compensation is presented within two years from the occurrence of the loss or damage, the amount of such loss or damage so ascertained, in excess of the amount recoverable from the carrier, is payable by the United States. The liability of the Government is, by the terms of the act of 1885, "limited to such articles of personal property as the Secretary of War, in his discretion, shall decide to be reasonable, useful, necessary, and proper for such officer or soldier while in quarters, engaged in the public service, in the line of duty."

(Comp. Treas., Aug. 1, 1917, War Dept. Bul. 54, Sept. 26, 1917.)

States fails to supply sufficient forage, and the loss is consequent thereon, or for the loss of necessary equipage, in consequence of the loss of his horse, shall be allowed and paid the value thereof, not to exceed two hundred dollars. But any payment which is made to any one for the use and risk, or for forage, after the death, loss, or abandonment of his horse, shall be deducted from the value thereof, unless he satisfies the paymaster at the time he makes the payment, or thereafter shows, by proof, that he was remounted, in which case the deduction shall only extend to the time he was on foot. And any payment made to any person above mentioned, on account of clothing to which he is not entitled by law, shall be deducted from the value of his horse or accouterments. *Sec. 3482, R. S.*

217c. *Payment for property lost while in military service.*—Every person who sustains damage by the capture or destruction by an enemy, or by the abandonment or destruction by the order of the commanding general, the commanding officer, or quartermaster, of any horse, mule, ox, wagon, cart, sleigh, harness, steamboat or other vessel, railroad-engine or railroad-car, while such property is in the military service, either by impressment or contract; or who sustains damage by the death or abandonment and loss of any horse, mule, or ox, while in the service, in consequence of the failure on the part of the United States to furnish the same with sufficient forage, or whose horse, mule, ox, wagon, cart, boat, sleigh, harness, vessel, railroad-engine, or railroad-car is lost or destroyed by unavoidable accident while such property is in the service, shall be allowed and paid the value thereof at the time when such property was taken into the service, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner: *Provided*, It appears that such loss, capture, abandonment, destruction, or death was without any fault or negligence on the part of the owner of the property, and while the property was actually employed in the service of the United States. *Sec. 3483, R. S.*

217d. *Payment for horses lost by capture.*—The two preceding sections shall extend to all cases of the loss of horses by any officer, non-commissioned officer, or private in the military service of the United States, while in the line of his duty in such service, by capture by the enemy, whenever it shall appear that such officer, non-commissioned officer, or private was ordered by his superior officer to surrender to the enemy, and such capture was made in pursuance of such surrender. *Sec. 3484, R. S.*

217e. *Payment for condemned horses and equipage.*—Whenever any horse is condemned by a board of officers, on account of his unfitness for service, in consequence of the Government failing to supply forage, such horse and his equipage shall be allowed and paid for: *Provided*, It shall be proven, by satisfactory evidence, whether oral

or written, that the condemned horse and the equipage were turned over to a quartermaster of the Army, whether any receipt therefor was given and produced, or not. *Sec. 3485, R. S.*

217f. *Payment to guardian for horse lost by minor in military service.*—When any minor engaged in the military service of the United States, and provided with a horse or equipments, or with military accouterments, by his parent or guardian, dies, without paying for the property, and the same is lost, captured, destroyed, or abandoned, in the manner before mentioned, such parent or guardian shall be allowed pay therefor, on making satisfactory proof, as in other cases, and the further proof that he is entitled thereto by having furnished the same. *Sec. 3486, R. S.*

217g. *Payment to owner for horse furnished and lost in military service.*—When any person other than a minor, engaged in the military service, is provided with a horse or equipments, or with military accouterments, by any person, being the owner thereof, who takes the risk of such horse, equipments, or military accouterments, on himself, and the same is lost, captured, destroyed, or abandoned, in the manner before mentioned, such owner shall be allowed pay therefor, on making satisfactory proof, as in other cases, and the further proof that he is entitled thereto, by having furnished the same, and having taken the risk on himself. *Sec. 3487, R. S.*

218a. *Time limit for filing claim for arrears of pay, etc., of Volunteers during Civil War.*—No claim for arrears of pay, bounty, or other allowances growing out of the service of Volunteers who served in the Army of the United States during the Civil War shall be received or considered by the accounting officers of the Treasury unless filed in the office of the Auditor for the War Department on or before December thirty-first, nineteen hundred and twelve. *Act of Dec. 22, 1911 (37 Stat. 49).*

218b. *Same—Attorneys' fees for prosecution of claims prohibited; penalty.*—Hereafter no agent or attorney shall demand or accept, for his services in connection with the prosecution of claims for arrears of pay, bounty, or other allowances due on account of the services during the Civil War of an officer or enlisted man of the Regular or Volunteer Armies of the United States, filed after the passage of this Act, any fee for any services rendered in connection therewith. Whoever shall violate this provision upon conviction shall be punished by a fine of not exceeding five hundred dollars or imprisonment for a period not exceeding six months, or both, and shall be disbarred from practice before the Treasury Department. *Id.*

220a. *Liability of persons making false claims against United States.*—Any person not in the military or naval forces of the United States, or in the militia called into or actually employed in the service of the United States, who shall do or commit any of the acts prohib-

ited by any of the provisions of section fifty-four hundred and thirty-eight, Title "Crimes," shall forfeit and pay to the United States the sum of two thousand dollars, and, in addition, double the amount of damages which the United States may have sustained by reason of the doing or committing such act, together with the costs of suit; and such forfeiture and damages shall be sued for in the same suit. *Sec. 3490, R. S.*

245a. *Lost checks—Issuance of duplicates.*—Whenever any original check is lost, stolen, or destroyed disbursing officers and agents of the United States are authorized, within three years from the date of such check, to issue a duplicate check, under such regulations in regard to its issue and payment, and upon the execution of such bond, with sureties, to indemnify the United States, and proof of loss of original check, as the Secretary of the Treasury shall prescribe. *Sec. 3647, R. S., as amended by act of Mar. 21, 1916 (39 Stat. 37).*

CHAPTER VI.

POSTAL LAWS.

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251a. *Letters written by soldiers, etc., in foreign countries to be transmitted free.*—Letters written and mailed by soldiers, sailors, and marines assigned to duty in a foreign country engaged in the present war may be mailed free of postage, subject to such rules and regulations as may be prescribed by the Postmaster General. *Sec. 1000, Act of Oct. 3, 1917 (40 Stat. 327).*

USE OF MAILS.

253a. *Letters, writing, etc., in violation of provisions of Act declared nonmailable matter.*—Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind, in violation of any of the provisions of this Act is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from

any postoffice or by any letter carrier. *Title XII, Sec. 1, Act of June 15, 1917 (40 Stat. 230).*

253b. *Same—Opening letters.*—Nothing in this Act shall be so construed as to authorize any person other than an employee of the Dead Letter Office, duly authorized thereto, or other person upon a search warrant authorized by law, to open any letter not addressed to himself. *Id.*

(See paragraphs 1425e and 1425f, post, as to censorship of communications by mail, etc., under the "Trading with the Enemy Act" of October 6, 1917.)

253c. *Same—Letters, writings, etc., advocating treason, etc., declared nonmailable.*—Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind, containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States, is hereby declared to be nonmailable. *Sec. 2, Id.*

253d. *Same—Using, etc., mails or Postal Service for transmission of matter declared nonmailable by this title; punishment.*—Whoever shall use or attempt to use the mails or Postal Service of the United States for the transmission of any matter declared by this title to be nonmailable, shall be fined not more than $5,000 or imprisoned not more than five years, or both. *Sec. 3, Id.*

253e. *Same—Jurisdiction of offense.*—Any person violating any provision of this title may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed. *Id, 231.*

(For general provisions of this act applicable to this title, see paragraphs 1475r-1475u.)

253f. *Print, newspapers or publications in foreign languages, matters unlawful to be published in.*—Ten days after the approval of this Act and until the end of the war, it shall be unlawful for any person, firm, corporation, or association, to print, publish, or circulate, or cause to be printed, published, or circulated in any foreign language, any news item, editorial or other printed matter, respecting the Government of the United States, or of any nation engaged in the present war, its policies, international relations, the state or conduct of the war, or any matter relating thereto. *Sec. 19, Act of Oct. 6, 1917 (40 Stat., 425).*

253g. *Same—Filing translation before mailing.*—This section shall not apply to any print, newspaper, or publication where the publisher or distributor thereof, on or before offering the same for mailing, or in any manner distributing it to the public, has filed with the postmaster at the place of publication, in the form of an affidavit, a true

and complete translation of the entire article containing such matter proposed to be published in such print, newspaper, or publication, and has caused to be printed, in plain type in the English language, at the head of each such item, editorial, or other matter, on each copy of such print, newspaper, or publication, the words "True translation filed with the postmaster at on (naming the post office where the translation was filed, and the date of filing thereof), as required by the Act of (here giving the date of this Act). *Id.*

253h. *Same—Publications nonmailable, when.*—Any print, newspaper, or publication in any foreign language which does not conform to the provisions of this section is hereby declared to be nonmailable, and it shall be unlawful for any person, firm, corporation, or association, to transport, carry, or otherwise publish or distribute the same, or to transport, carry or otherwise publish or distribute any matter which is made nonmailable by the provisions of the Act relating to espionage, approved June fifteenth, nineteen hundred and seventeen. *Id, 426.*

253i. *Same—Permits to publish.*—Upon evidence satisfactory to him that any print, newspaper, or publication, printed in a foreign language may be printed, published, and distributed free from the foregoing restrictions and conditions without detriment to the United States in the conduct of the present war, the President may cause to be issued to the printers or publishers of such print, newspaper, or publication, a permit to print, publish, and circulate the issue or issues of their print, newspaper, or publication, free from such restrictions and requirements, such permits to be subject to revocation at his discretion. *Id.*

253j. *Same—Copies of permits and revocations of; publications under permits to bear certificate as to.*—And the Postmaster General shall cause copies of all such permits and revocations of permits to be furnished to the postmaster of the post office serving the place from which the print, newspaper, or publication, granted the permit is to emanate. All matter printed, published and distributed under permits shall bear at the head thereof in plain type in the English language, the words, "Published and distributed under permit authorized by the Act of (here giving date of this Act), on file at the post office of (giving name of office)." *Id.*

253k. *Punishment for making affidavit containing false statement.*—Any person who shall make an affidavit containing any false statement in connection with the translation provided for in this section shall be guilty of the crime of perjury and subject to the punishment provided therefor by section one hundred and twenty-five[1] of the Act of March fourth, nineteen hundred and nine, entitled "An Act to codify, revise, and amend the penal laws of the United

[1] See 35 Statutes 1111.

States," and any person, firm, corporation, or association, violating any other requirement of this section shall, on conviction thereof, be punished by a fine of not more than $500, or by imprisonment of not more than one year, or, in the discretion of the court, may be both fined and imprisoned.—*Id.*

254a. *Postmaster-General to contract for all envelopes.*—The Postmaster-General shall contract for all envelopes, stamped or otherwise, designed for sale to the public, or for use by his own or other Departments, and may contract for them to be plain or with such printed matter as may be prescribed by the Department making requisition therefor: *Provided*, That no envelope furnished by the Government shall contain any business address or advertisement. *Sec. 96, Act of Jan. 12, 1895 (28 Stat. 624).*

254b. *Same—Envelopes for all Government service to be contracted for.*—The Postmaster-General shall contract, for a period not exceeding four years, for all envelopes, stamped or otherwise, designed for sale to the public, or for use by the Post-Office Department, the postal service, and other Executive Departments, and all Government bureaus and establishments, and the branches of the service coming under their jurisdiction, and may contract for them to be plain or with such printed matter as may be prescribed by the Department making requisition therefor: *Provided*, That no envelope shall be sold by the Government containing any lithographing or engraving, nor any printing nor advertisement, except a printed request to return the letter to the writer.[1] *Act of June 26, 1906 (34 Stat. 476).*

[1] The acts of January 12, 1895 (28 Stat., 624), and June 26, 1906 (34 Stat., 476), are to the general effect that envelopes for the use of the executive departments of the Government and all branches of the service coming under their jurisdiction are to be purchased exclusively by the Postmaster General upon requisitions of such executive departments, etc. In a decision of July 22, 1913 (20 Comp. Dec., 34), the Comptroller of the Treasury held that the act of June 26, 1906, precluded the purchase of envelopes from the appropriation "Contingencies, headquarters of military departments, etc." otherwise than as authorized by that act, and that the discretion conferred upon division or department commanders in that appropriation with respect to expenditures could not be regarded as authorizing a purchase otherwise prohibited by law. Commencing with the fiscal year 1915, the appropriation "Contingencies, headquarters of military departments, etc," named stationery among the objects for which the appropriation might be expended, and the question was presented whether the inclusion of stationery among such objects operated as a repeal *pro tanto* of the prohibitory statutes respecting the officer authorized to purchase envelopes.

Held, that the fact that stationery was named in the appropriation among the objects of authorized expenditure thereunder merely increased specifically the number of heads of lawful expenditures and had no effect whatever on the manner in which such expenditures were to be made, and that, therefore, expenditures for envelopes of headquarters of military departments, etc., of the Army are still to be made in the manner indicated by the acts above cited.

(Comp. Treas., Jan. 29, 1917, War Dept. Bul. 26, May 17, 1917.)

CHAPTER VII.

THE DEPARTMENT OF JUSTICE—HABEAS CORPUS—THE COURT OF CLAIMS.

	Par.		Par.
Condemnation proceedings, District of Columbia, attorney in charge of; employment of other counsel forbidden	263a	Court of Claims—Jurisdiction over claims growing out of Civil War	277a

263a. *Condemnation proceedings, District of Columbia, attorney in charge of; employment of other counsel forbidden.*—One of whom [1] shall have charge of all condemnation proceedings in the District of Columbia and supervise the examination of titles and matters arising from such condemnation proceedings in which the United States shall be a party or have an interest, and no special attorney or counsel, or services of persons other than of those provided for herein, shall be employed for such purposes. *Act of Mar. 3, 1917 (39 Stat. 1110).*

277a. *Court of Claims—Jurisdiction over claims growing out of Civil War, etc.*—From and after the passage and approval of this Act the jurisdiction of the Court of Claims shall not extend to or include any claim against the United States based upon or growing out of the destruction of any property or damage done to any property by the military or naval forces of the United States during the war for the suppression of the rebellion; nor to any claim for stores and supplies taken by or furnished to or for the use of the military or naval forces of the United States, nor to any claim for the value of any use and occupation of any real estate by the military or naval forces of the United States during said war; nor shall said Court of Claims have jurisdiction of any claim which is now barred by the provisions of any law of the United States. *Sec. 5, act of Mar. 4, 1915 (38 Stat. 996).*

[1] Four attorneys at $5,000 each in the Department of Justice authorized.

CHAPTER VIII.

THE DEPARTMENT OF THE NAVY—THE MARINE CORPS.

	Par.		Par.
Enlisted men on shore duty entitled to ration or commutation allowed to enlisted men of Army	304a	Officers and enlisted men of Medical Department of Navy serving with Marine Corps when detached for service with Army subject to articles of war	305a
Same—When impracticable to furnish Army ration may be allowed Navy ration or commutation thereof	304b		

304a. *Enlisted men on shore duty entitled to ration or commutation allowed to enlisted men of Army.*—No law shall be construed to entitle enlisted men on shore duty to any rations or commutation therefor other than such as are now or may hereafter be allowed enlisted men in the Army. *Act of Aug. 29, 1916 (39 Stat. 613).*

(The act of Mar. 4, 1917 (39 Stat., 1189), contains a provision identical with above paragraph, except that the provision is preceded by the word hereafter.)

304b. *Same—When impracticable to furnish Army ration may be allowed Navy ration or commutation thereof.*—When it is impracticable or the expense is found greater to supply marines serving on shore duty in the island possessions and on foreign stations with the Army ration, such marines may be allowed the Navy ration or communication thereof. Id.

(The act of Mar. 4, 1917 (39 Stat., 1189), contains a provision identical with above paragraph.)

305a. *Officers and enlisted men of Medical Department of Navy serving with Marine Corps when detached for service with Army subject to articles of war.*—Officers and enlisted men of the Medical Department of the Navy, serving with a body of marines detached for service with the Army in accordance with the provisions of section sixteen hundred and twenty-one of the Revised Statutes, shall, while so serving, be subject to the rules and articles of war prescribed for the government of the Army in the same manner as the officers and men of the Marine Corps while so serving. *Id., 573.*

CHAPTER X.

THE MILITARY ESTABLISHMENT—GENERAL PROVISIONS OF ORGANIZATION.

THE REGULAR ARMY—THE VOLUNTEER ARMY AND THE MILITIA.[1]

	Par.
Composition of the Army of the United States	329a
Tour of duty of officers and enlisted men in Philippine Islands and the Canal Zone	330a
Composition of Regular Army	331a
Increase to be made in five increments	331b
Limitation on promotions or appointments of officers to vacancies caused by second increment	331b½
May be immediately made in event of actual or threatened war	331c
Immediately raise, organize, officer, and equip all increments at maximum strength	331c½
Same—Filling of vacancies caused by increase; termination of provisional appointments	331c½
Vacancies in grade of second lieutenant caused by increase, how filled	331d
Appointments to fill vacancies in grade of second lieutenant, order of appointment	331d½
Waiver of age limit of candidates for second lieutenant	331d½
Same—Vacancies not filled on graduation of cadet class; vacancies not caused by increase to be filled under existing law	331e
Enlisted men who have completed one year's service may become candidates for vacancies caused by increase	331f
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Saving clause	331h
Repealing clause	331i
Excessive enlistment of recruits to supply trained men for organizations serving outside limits of United States	332a
Increase of organizations to maximum strength in an emergency	332b
Same—Unassigned recruits, not to exceed 5 per cent of total enlisted strength, not to be counted	332c
Enlisted personnel of organizations of Regular Army to be maintained not below minimum strength	332d
Enlisted strength of the line of the Army, maximum	332e
Same—Unassigned recruits not to exceed 7 per cent of authorized strength	332f
Enlisted strength to be exclusive of soldiers sentenced to dishonorable discharge	332g
Retirement of officers of Philippine Scouts	339a–339e

[1] For statutes respecting the militia, see chapter entitled "The Militia." See also chapter entitled "Volunteers."

	Par.
Retirement of captains and lieutenants of Philippine Scouts who are citizens of the United States	339a
Same—Double time for service beyond continental limits of United States not to be counted for purpose of	339b
Same—Former officers who resigned or were discharged on account of wounds received in action and were retired as enlisted men to receive benefit of section	339c
Same—Former officer who resigned or was discharged on account of disability contracted in line of duty and has been retired as enlisted man to receive benefit of section	339d
Same—Retirement of Bernard A. Schaaf, late a lieutenant of; credit for continuous service	339e
Porto Rico Regiment of Infantry	341a–348a
Organization same as Infantry regiment of Regular Army	341a
Citizenship of enlisted personnel, and term of enlistment	343a
Colonel to be detailed from Infantry arm	345a
Vacancies in grades of lieutenant colonel and major, how filled; captains and lieutenants eligible for details, transfers, etc	345b
Permanent captains in, to be recommissioned as captains of Infantry, United States Army	346a
Same—Lineal and relative rank as captains of Infantry	346b
Same—Commissioned service to be counted in determining lineal and relative rank	346c
Lineal and relative rank of officers who held commissions in the Provisional Regiment on June 30, 1908	346d
Second lieutenants, appointment of	347a
Promotion to fill vacancies between grades of second lieutenant and colonel	348a

329a. *Composition of the Army of the United States.*—The Army of the United States shall consist of the Regular Army, the Volunteer Army, the Officers' Reserve Corps, the Enlisted Reserve Corps, the National Guard while in the service of the United States, and such other land forces as are now or may hereafter be authorized by law.[1] *Sec. 1, Act of June 3, 1916 (39 Stat. 166).*

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[1] There is but one Army of the United States, and every organization, bureau, officer, and man in the military service is part of it. The Inspector General's Department, as well as all other staff corps and departments are to be reorganized out of the Army at large so that such departments may properly perform their ever-increasing functions. The primary authority for providing the necessary staff officers in the increased establishment is not to be found in the use of reserve officers as such, but in the power to appoint necessary officers under the National Army act. (War Dept. Bul. 67, Nov. 30, 1917.)

A commission in the Regular Army is a permanent one carrying with it the rights of retirement and can be terminated only in the manner provided by law. Commissions in the National Guard (drafted into the service of the United States) and the National Army are for the period of the emergency and can be terminated by the President for any cause which, in the judgment of the President, would promote the public service, or upon the approved finding of a board of officers appointed by the general commanding a division or higher tactical organization or territorial department. (Selective service act, May 18, 1917, sec. 9.) Commissions in the Officers' Reserve Corps are for a period of five years unless sooner terminated in the discretion of the President. (National defense act, June 3, 1916, sec. 37.) As to provisional appointments as second lieutenants in the Regular Army, see section 23 of the National Defense Act, supra.

The right of an incumbent of a military office to resign his office at pleasure is subject to certain restrictions growing out of his military status. Thus, the

330a. *Tour of duty of officers and enlisted men in Philippine Islands and the Canal Zone.*—On and after October first, nineteen hundred and fifteen, no officer or enlisted man of the Army shall, except upon his own request, be required to serve in a single tour of duty for more than two years in the Philippine Islands, nor more than three years in the Panama Canal Zone, except in case of insurrection or of actual or threatened hostilities: *Provided further*, That the foregoing provision shall not apply to the organization known as the Philippine Scouts. *Act of Mar. 4, 1915 (38 Stat. 1078).*

331a. *Composition of Regular Army.*—The Regular Army of the United States, including the existing organizations, shall consist of sixty-four regiments of Infantry, twenty-five regiments of Cavalry,[1] twenty-one regiments of Field Artillery, a Coast Artillery Corps, the brigade, division, army corps, and army headquarters, with their detachments and troops, a General Staff Corps, an Adjutant General's Department, an Inspector General's Department, a Judge Advocate General's Department, a Quartermaster Corps, a Medical Department, a Corps of Engineers, an Ordnance Department, a Signal Corps, the officers of the Bureau of Insular Affairs, the Militia Bureau, the detached officers, the detached noncommissioned officers, the chaplains, the Regular Army Reserve, all organized as hereinafter provided, and the following as now authorized by law: The officers and enlisted men on the retired list; the additional officers; the professors, the Corps of Cadets, the general Army service detachment, and detachments of Cavalry, Field Artillery, and Engineers, and the band of the United States Military Academy; the post noncommissioned staff officers; the recruiting parties, the recruit depot detachments, and unassigned recruits; the service school detachments; the disciplinary guards; the disciplinary organizations; the Indian Scouts; and such other officers and enlisted men as are now or may be hereafter provided for. *Sec. 2, act of June 3, 1916 (39 Stat. 166).*

(See paragraphs 332d, 332e, and 332f for the remaining provisions of this section.)

331b. *Increase to be made in five increments.*—Except as otherwise specifically provided by this Act, the increases in the commissioned and enlisted personnel of the Regular Army provided by this Act shall be made in five annual increments, each of which shall be, in each grade of each arm, corps, and department, as nearly as practi-

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resignation of an officer under charges need not be accepted. Similarly, the resignation of an officer in time of war may be refused. (Dig. Opin. J. A. G., January, 1918.)

[1] For authorization for provisional organization of cavalry into field artillery or infantry during the present emergency see paragraphs 1071b and 1071c, post.

cable, one-fifth of the total increase authorized for each arm, corps, and department. Officers promoted to vacancies created or caused by the addition of the first increment shall be promoted to rank from July first, nineteen hundred and sixteen, and those promoted to vacancies created or caused by the second increment shall be promoted to rank from July first, nineteen hundred and seventeen; those promoted to vacancies created or caused by the addition of the third increment shall be promoted to rank from July first, nineteen hundred and eighteen; those promoted to vacancies created or caused by the addition of the fourth increment shall be promoted to rank from July first, nineteen hundred and nineteen; and those promoted to vacancies created or caused by the addition of the fifth increment shall be promoted to rank from July first, nineteen hundred and twenty. *Sec. 24, id. 182.*

331b¼. *Limitation on promotions or appointments of officers to vacancies caused by second increment.*—No part of this appropriation shall be paid to any officer of the line of the Army who shall be appointed or promoted in violation of any of the terms next hereinafter specified: That of the whole number of officers of Cavalry, Field Artillery, Coast Artillery Corps, Infantry, and of Engineers serving with the enlisted force of the Corps of Engineers necessary to fill vacancies created or caused in said arms of the service by reason of the second increment, authorized in said arms by Act of Congress approved June third, nineteen hundred and sixteen, not more than one-fourth shall be appointed or promoted until, exclusive of enlisted men belonging to said arms on June thirtieth, nineteen hundred and sixteen, at least one-fourth of the second increment of enlisted men authorized for said arms by said Act shall have been enlisted; not more than one-half of said whole number of officers shall be appointed or promoted until at least one-half of said increment of enlisted men shall have been enlisted; and not more than three-fourths of said whole number of officers shall be appointed or promoted until at least three-fourths of said increment of enlisted men shall have been enlisted. And all officers promoted in accordance with the terms of this proviso shall take rank, respectively, from the dates on which their promotions shall have become lawful under the terms of this proviso. *Act of May 12, 1917 (40 Stat. 44).*

331c. *May be immediately made in event of actual or threatened war.*—In the event of actual or threatened war or similar emergency in which the public safety demands it the President is authorized to immediately organize the entire increase authorized by this Act, or so much thereof as he may deem necessary, and when, in the judgment of the President, war becomes imminent, all of said organizations that shall then be below the maximum enlisted strength author-

ized by law shall be raised forthwith to that strength, and shall be maintained as nearly as possible thereat so long as war, or the imminence of war, shall continue. *Sec. 24, act of June 3, 1916 (39 Stat. 182).*

331c¼. *Immediately raise, organize, officer, and equip all increments at maximum strength.*—In view of the existing emergency, which demands the raising of troops in addition to those now available, the President be, and he is hereby, authorized—

Immediately to raise, organize, officer, and equip all or such number of increments of the Regular Army provided by the national defense Act approved June third, nineteen hundred and sixteen, or such parts thereof as he may deem necessary; to raise all organizations of the Regular Army, including those added by such increments, to the maximum enlisted strength authorized by law. *Par. 1, Sec. 1, Act of May 18, 1917 (40 Stat. 76).*

(For provision authorizing the raising of the enlisted men necessary to maintain the organizations of the Regular Army at their maximum legal strength by voluntary enlistment or by selective draft, see paragraph 1637, post.)

331c¼. *Same—Filling of vacancies caused by increase; termination of provisional appointments.*—Vacancies in the Regular Army created or caused by the addition of increments as herein authorized which can not be filled by promotion may be filled by temporary[1] appointment for the period of the emergency or until replaced by permanent appointments or by provisional appointments made under the provisions of section twenty-three[2] of the national defense Act, approved June third, nineteen hundred and sixteen, and hereafter provisional appointments under said section may be terminated whenever it is determined, in the manner prescribed by the President, that the officer has not the suitability and fitness requisite for permanent appointment..[3] *Id.*

(For par. 2 of this section, see pars. 1339p and 1339q, post.)

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[1] The President has complete power to discharge any temporary officer of the Regular Army holding appointment under section 1 of the act of May 18, 1917. Commanding generals may appoint military boards to pass upon the capacity and fitness of such officer, whose findings may be laid before the President for such action as he sees fit. (Secs. 1 and 9 of act of May 18, 1917; subpar. 2 of par. 7, G. O. 76, c. s.) But the President may discharge provisional officers appointed under section 23 of the national-defense act of June 3, 1916, only after due investigation, such as is provided for in paragraph 7, G. O. 76, c. s. (War Dept. Bull. 72, Dec. 24, 1917.)

[2] Paragraph 918a, post, or 39 Stat. 181.

[3] Under section 1 of the selective draft act the President is given power to terminate provisional appointments whenever it is determined that the officer is unfit for permanent appointment. G. O. 76, W. D., June 26, 1917, lays down the rules prescribed by the President for determining the fitness of such officers. The procedure therein prescribed must be followed. (War Dept. Bul. 72, Dec. 24, 1917.)

The term "temporary promotion," as used in the National Army act of May 18, 1917, and in section 114, national-defense act of June 3, 1916, contemplates promotion as ordinarily understood in military legislation. Temporary promo-

331d. *Vacancies in grade of second lieutenant caused by increase; how filled.*—Vacancies in the grade of second lieutenant, created or caused by the increases due to this Act, in any fiscal year shall be filled by apointment in the following order: (1) Of cadets graduated from the United States Military Academy during the preceding fiscal year for whom vacancies did not become available during the fiscal year in which they were graduated; (2) under the provisions of existing law, of enlisted men, including officers of the Philippine Scouts, whose fitness for promotion shall have been determined by competitive examination; (3) of members of the Officers' Reserve Corps between the ages of twenty-one and twenty-seven years; (4) of commissioned officers of the National Guard between the ages of twenty-one and twenty-seven years; (5) of such honor graduates, between the ages of twenty-one and twenty-seven years, of distinguished colleges as are now or may hereafter be entitled to preference by general orders of the War Department; and (6) of candidates from civil life between the ages of twenty-one and twenty-seven years; and the President is authorized to make the necessary rules and regulations to carry these provisions into effect.[1] *Sec. 24, act of June 3, 1916 (39 Stat. 182).*

(See pars. 918 and 918a.)

331d¼. *Appointments to fill vacancies in grade of second lieutenant, order of appointment.*—The first part of the second paragraph of section twenty-four of the Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes," approved June third, nineteen hundred and sixteen, down to

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tion by seniority contemplates that the appointing power shall be satisfied that the officer about to be promoted is qualified. No officer is entitled to promotion regardless of his qualifications. Failure of an officer to discharge the duties of a higher grade in the National Army may and should be regarded by the President as satisfactory evidence of his disqualification to perform the duties of the same grade in the Regular Army. It is within the power of the War Department to prescribe how long an officer who has demonstrated his disqualification for higher command in the National Army shall remain ineligible for temporary promotion in the Regular Army and upon what conditions he shall become eligible for such promotion. (War Dept. Bul. 75, Dec. 31, 1917.)

[1] *Held*, that both the examination and the appointment must come within the age limits specified by the statute, and that an applicant who failed in an examination was not eligible for a reexamination and appointment after he had passed the maximum age limit. (War Dept. Bull. 57, Dec. 22, 1916.)

Inquiry was made whether commissioned officers of the National Guard Reserve are included in the expression "commissioner officers of the National Guard," designated by section 24 of the national-defense act as the fourth class in the order of appointment to vacancies in the grade of second lieutenant.

Held, that section 69, relating to the period of enlistment, and section 70, prescribing the oath of enlistment, as well as other sections of the national-defense act, indicate clearly that the term "National Guard" includes an active and a reserve force, and that unless the context indicates a different meaning the term "National Guard" should be construed as including the National Guard Reserve. The question was answered in the affirmative. (War Dept. Bull. 15, Mar. 24, 1917.)

the first proviso in said paragraph, be, and the same is hereby amended to read as follows:

"Vacancies in the grade of second lieutenant created or caused by the increases due to this Act, in any fiscal year shall be filled by appointment in the following order: (First) Of cadets graduated from the United States Military Academy during the preceding fiscal year for whom vacancies did not become available during the fiscal year in which they graduated; (second) under the provisions of existing law of enlisted men,[1] including officers of Philippine Scouts,[2] between the ages of twenty-one and thirty-four years, whose fitness for promotion shall have been determined by competitive examination; and of members, including officers, of the Organized Militia, the National Guard, or Naval Militia, between the ages of twenty-one and thirty-four years who have had at least ninety days actual Federal military service under any call of the President during the calendar year nineteen hundred and sixteen, and whose fitness for promotion shall have been determined by examination;[3] (third) of members of the Officers' Reserve Corps between the ages of twenty-one and twenty-seven years, of distinguished colleges as are now or may hereafter be entitled to preference by general orders of the War Department; and (sixth) of candidates from civil life between the

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[1] Two enlisted men were discharged to enable them to accept commissions. They were then appointed second lieutenants, without knowledge that they were below the statutory age. *Held*, That such discharge from military service, unless it was obtained by fraud, is final and cannot be amended or revoked; that the appointment to the office of second lieutenant, having been completed, cannot be rescinded by the appointing authority; and hence the appointees can be removed only by resorting to the procedure established by law for the removal of officers; that the fact that such appointees were under the age of 21 in no way impeaches their right to hold the offices to which they were appointed, the matter of their eligibility having been foreclosed by the action of the appointing power. (Dig. Opin, J. A. G., January, 1918.)

[2] An officer in the Philippine Scouts, with the permission of the examining board, took and passed the examination for appointment as a provisional second lieutenant, at a time when he was ineligible to take such examination because he had completed only ten months of the one year of service required by law. *Held*, that such examination can be accepted as the basis for his appointment after he has completed his one year of service. The time of taking the examination is not important, if the period intervening between the date of examination and the date of induction into office be not so great that a change in the qualifications of the candidate is likely to result in the interim. (*Id.*)

[3] *Held*, that a person who had been discharged from the National Guard and had entered a training camp as a candidate for a commission was not eligible for appointment as a second lieutenant under the said provision, as the qualification of membership in the National Guard must exist at the date of appointment.

Held further, that a National Guard enlisted man furloughed to the National Guard Reserve was eligible for appointment under the said provision as he continued to be a member of the National Guard.

Held further, that no person is eligible as a member of the National Guard for appointment as a provisional second lieutenant in the Regular Army under section 24 of the national-defense act as amended by act of May 12, 1917, unless he is a member of the National Guard at the date of appointment. It is immaterial that they were members of National Guard at date of examination. (War Dept. Bull. 67, Nov. 30, 1917.)

ages of twenty-one and twenty-seven years; and the President is authorized to make the necessary rules and regulations to carry these provisions into effect." *Act of May 12, 1917 (40 Stat. 44), amending sec. 24, Act of June 3, 1916 (39 Stat. 182).*

331d½. *Waiver of age limit of candidates for second lieutenant.*—The President be, and he is hereby, authorized to waive the age limit in all cases where the candidate for second lieutenant, who being within the maximum age limit at the date of examination has passed or may pass the examination, and who has become or may become ineligible on account of age before the date of his appointment; and to appoint such candidate with rank from the same date as other candidates of like class who have been or may be appointed as the result of the same examination: *Provided*, That such appointment is made within one year from the date of such examination. *Act of May 12, 1917 (40 Stat. 73), amending Sec. 24, Act of June 3, 1916 (39 Stat. 182).*

331e. *Same—Vacancies not filled on graduation of cadet class; vacancies not caused by increase to be filled under existing law.*—Any such original vacancies not so filled, and remaining at the time of graduation of any class at the United States Military Academy, may be filled by the appointment of members of that class; and all vacancies in the grade of second lieutenant not created or caused by the increases due to this Act[1] shall be filled as provided in the Act making appropriation for the support of the Army, approved March third, nineteen hundred and eleven. *Sec. 24, act of June 3, 1916 (39 Stat. 182).*

(See par. 918, post.)

331f. *Enlisted men who have completed one year's service may become candidates for vacancies caused by increase.*—Enlisted men of the Regular Army who have completed one year's service with an organization may become candidates for vacancies in the grade of second lieutenant created or caused by the increases due to the operation of this Act.[2] *Id.* 183.

(See par. 786a for next proviso of this section.)

331g. *Lineal and relative rank of second lieutenants appointed to original vacancies created by this Act.*—Officers appointed to original

[1] A man who has completed one year's service in the National Army may become a candidate to fill a vacancy in the grade of second lieutenant in the Regular Army created or caused by the increase due to the operation of the act of June 3, 1916, but not for a vacancy not so caused. The phrase "except as to promotions" in sec. 2 of act of May 18, 1917, applies exclusively to officers. (War Dept. Bull. 67, Nov. 30, 1917.)

[2] *Held*, That the service as an officer of the Philippine Scouts would confer eligibility within the meaning of the statute quoted, upon the reenlistment of the men. (War Dept. Bul. 47, Nov. 16, 1916.)

Held, That the statute contemplates one year's service in the Army and that the officer of the Philippine Scouts was not qualified by reason of his service in the Marine Corps. (War Dept. Bull. 57, Dec. 22, 1916.)

vacancies in the grade of second lieutenant created or caused by this Act shall take lineal and relative rank according to dates of appointment, and the lineal and relative rank of second lieutenants appointed on the same date shall be determined under such regulations as the Secretary of War may prescribed.[1] *Id.*

(See paragraph 786a for the proviso preceding this paragraph, and paragraphs 931a, 930a, 930b, 961a, and 958a for the remaining provisions of this section.)

331h. *Saving clause.*—Nothing in this Act shall be held or construed so as to discharge any officer from the Regular Army or to deprive him of the commission which he now holds therein. *Sec. 127, id. 217.*

331i. *Repealing clause.*—All laws and parts of laws in so far as they are inconsistent with this Act are hereby repealed. *Sec. 128, id.*

332a. *Excessive enlistment of recruits to supply trained men for organizations serving outside limits of United States.*—To fill vacancies occurring from time to time in the several organizations serving without the limits of the United States with trained men the President is authorized to enlist recruits in numbers equal to four per centum in excess of the total strength authorized for such organizations. *Sec. 29, act of Feb. 2, 1901 (31 Stat. 756).*

332b. *Increase of organizations to maximum strength in an emergency.*—When in the judgment of the President an emergency arises which makes it necessary, all organizations of the Army which are now below the maximum enlisted strength authorized by law shall be raised forthwith to that strength and shall be maintained as nearly as possible thereat so long as the emergency shall continue. *Joint resolution of Mar. 17, 1916 (39 Stat. 36).*

332c. *Same—Unassigned recruits, not to exceed five per centum of total enlisted strength, not to be counted.*—The total enlisted strength of any of said arms of the service shall not include unassigned recruits therefor at depots or elsewhere, but such recruits shall at no time exceed by more than five per centum the total enlisted strength prescribed for such arms; and the enlisted men now or hereafter authorized by law for other branches of the military service shall be provided and maintained without any impairment of the enlisted strength prescribed for any of said arms. *Id.*

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[1] *Held*, That the former statute was not modified by the latter provision and that the persons appointed provisional second lieutenants to fill vacancies created or caused by the act of June 3, 1916, and who have had commissioned service in the National Guard in the service of the United States or in the Philippine Scouts are entitled, under sec. 1219, Revised Statutes, to have the time so served as commissioned officers taken into account in fixing their relative and lineal rank.

Held further, That the benefit of former commissioned service under sec. 1219 of the Revised Statutes is effective only within the class from which the appointee is selected, since sec. 24 creates an order of preference in which appointments are made which is not disturbed by the provisions of sec. 1219, Revised Statutes. (War Department Bull. 57, Dec. 22, 1916.)

332d. *Enlisted personnel of organizations of Regular Army to be maintained not below minimum strength.*—Hereafter the enlisted personnel of all organizations of the Regular Army shall at all times be maintained at a strength not below the minimum strength fixed by law. *Sec. 2, act of June 3, 1916 (39 Stat. 166).*

(See paragraph 331a for the preceding provision of this section.)

332e. *Enlisted strength of the line of the Army, maximum.*—The total enlisted force of the line of the Regular Army, excluding the Philippine Scouts and the enlisted men of the Quartermaster Corps, of the Medical Department, and of the Signal Corps, and the unassigned recruits, shall not at any one time, except in the event of actual or threatened war or similar emergency in which the public safety demands it, exceed one hundred and seventy-five thousand men. *Id.*

332f. *Same—Unassigned recruits not to exceed seven per centum of authorized strength.*—The unassigned recruits at depots or elsewhere shall at no time, except in time of war, exceed by more than seven per centum the total authorized enlisted strength. *Id.*

332g. *Enlisted strength to be exclusive of soldiers sentenced to dishonorable discharge.*—The authorized enlisted strength of the Army and of organizations thereof shall be exclusive of soldiers under sentences which include confinement and dishonorable discharge.[1] *Act of Apr. 27, 1914 (38 Stat. 354).*

RETIREMENT OF OFFICERS OF PHILIPPINE SCOUTS.

339a. *Retirement of captains and lieutenants of Philippine Scouts who are citizens of the United States.*—Captains and lieutenants of Philippine Scouts who are citizens of the United States shall hereafter be entitled to retirement under the laws governing the retirement of enlisted men of the Regular Army, except that they shall be retired in the grade held by them at the date of retirement, shall be entitled to retirement for disability under the same conditions as officers of the Regular Army, and that they shall receive, as retired pay, the amounts allowed by law, as retired pay and allowances, of master signal electricians of the United States Army, and no more. *Sec. 26, act of June 3, 1916 (39 Stat. 185).*

339b. *Same—Double time for service beyond continental limits of United States not to be counted for purpose of.*—Double time for service beyond the continental limits of the United States shall not be counted for the purposes of this section so as to reduce the actual period of service below twenty years. *Id.*

339c. *Same—Former officers who resigned or were discharged on account of wounds received in action and were retired as enlisted*

[1] See paragraph 1049.

men to receive benefit of section.—Former officers of the Philippine Scouts who, because of disability occasioned by wounds received in action, have resigned or been discharged from the service, or who have heretofore served as such for a period of more than five years and have been retired as enlisted men, shall be placed upon the retired list as officers of Philippine Scouts and thereafter receive the retired pay and allowances provided by this section for other officers of Philippine Scouts. *Id.*

339d. *Same—Former officer who resigned or was discharged on account of disability contracted in line of duty and has been retired as enlisted man to receive benefit of section.*—Any former officer of Philippine Scouts who vacated his office in the Philippine Scouts by discharge or resignation on account of disability contracted in the line of duty and who was subsequently retired as an enlisted man, except any former officer of Philippine Scouts who has been retired as an enlisted man by special Act of Congress, shall be transferred to the retired list created by this section and shall thereafter receive the retired pay and allowances authorized by this section, and no more. Officers of Philippine Scouts retired under the provisions of this section shall not form part of the limited retired list now authorized by law. *Id.*

339e. *Same—Retirement of Bernard A. Schaaf, late a lieutenant of; credit for continuous service.*—The President of the United States is hereby authorized to place Bernard A. Schaaf, formerly first sergeant of Company K, Eighth Regiment United States Infantry, and later a lieutenant of Philippine Scouts, on the retired list of the Army with the rank, pay, and allowance of a master signal electrician: *Provided*, That in computing the soldier's pay credit shall be given for all his continuous service in the Army. *Act of Feb. 8, 1917 (39 Stat. 900).*

PORTO RICA REGIMENT OF INFANTRY.

341a. *Organization same as Infantry regiment of Regular Army.*—The Porto Rico Regiment of Infantry of the United States Army shall hereafter have the same organization, and the same grades and numbers of commissioned officers and enlisted men, as are by this Act or shall hereafter be prescribed by law for other regiments of Infantry of the Army.[1] *Sec. 21, act of June 3, 1916 (39 Stat. 180).*

[1] The Porto Rico Regiment of Infantry is a component part of the Regular Army. Consequently, temporary vacancies therein resulting from the appointment of officers to higher grades in the forces other than the Regular Army are to be filled, as provided by section 8 of the act of May 18, 1917, by temporary promotions and appointments according to seniority in rank of officers holding commissions in the next lower in said regiment. (War Dept. Bull. 75, Dec. 31, 1917.)

343a. *Citizenship of enlisted personnel, and term of enlistment.*—All men hereafter enlisting in said regiment shall be natives of Porto Rico. All enlistments in the regiment shall hereafter be the same as is provided herein for the Regular Army, and the regiment, or any part thereof, may be ordered for service outside the island of Porto Rico. The pay and allowances of members of said regiment shall be the same as provided by law for officers and enlisted men of like grades in the Regular Army. *Id. 181.*

345a. *Colonel to be detailed from Infantry arm.*—The colonel of said regiment shall be detailed by the President, from among officers of Infantry of the Army not below the grade of lieutenant colonel, for a period of four years unless sooner relieved. *Id.*

345b. *Vacancies in grades of lieutenant colonel and major, how filled; captains and lieutenants eligible for details, transfers, etc.*—Vacancies created by this Act in the grades of lieutenant colonel and major in said regiment shall be filled by appointments from the senior captains in regimental rank of the Porto Rico regiment mentioned in the Act of March fourth, nineteen hundred and fifteen;[1] and captains and lieutenants of said regiment shall also be eligible for such detached service,[2] transfer, or assignment to duty with other organizations as may be approved by the Secretary of War; but vacancies created by such detachment of officers shall not be filled by promotions or appointments. *Id.*

346a. *Permanent captains in, to be recommissioned as captains of Infantry, United States Army.*—The permanent captains of the

[1] See paragraphs 346a, 346b, and 346c, post.

[2] Upon reference to the Judge Advocate General for opinion as to the eligibility of a first lieutenant of the Porto Rico Regiment of Infantry for detail as a student officer in the Ordnance Department under section 21 of the national-defense act of June 3, 1916, providing that captains and lieutenants of said regiment "shall also be eligible for such detached service, transfer, or promotion to duty with other organizations as may be approved by the Secretary of War; but vacancies created by such appointments of officers shall not be filled by promotions or appointments."

Held, that as section 12 of the same act clearly contemplates that lieutenants detailed as student officers in the establishments of the Ordnance Department shall be eligible, if they satisfactorily complete the course of instruction, for detail to fill vacancies in the Ordnance Department for the period of four years and for redtail for like periods during their commissioned service, and provides also that vacancies resulting from details to vacancies in the Ordnance Department shall be filled by promotion or appointment, while, as to details for detached service of captains and lieutenants of the Porto Rico Regiment it is expressly provided that they shall not be filled by promotion or appointment, it must be *held* that such officers of said regiment are not eligible for detail to vacancies in the Ordnance Department or for detail as student officers in the ordnance establishments for the reason that such details contemplate eligibility for subsequent details in the ordnance establishment.

Held further, that the provisions of section 21 would be given reasonable effect by limiting their operation to details for detached service other than the filling of vacancies in respect to which the law provides that details thereto shall create vacancies to be filled by promotion or appointment. War Dept. Bull. 18, Apr. 6, 1917.)

Porto Rico Regiment of Infantry now holding commissions as such in said regiment shall be recommissioned as captains of Infantry of the United States Army, to take rank on the lineal list of officers of Infantry immediately after the junior officers of the same grade whose total commissioned service equals or exceeds theirs. *Act of Mar. 4, 1915 (38 Stat. 1070).*

346b. *Same—Lineal and relative rank as captains of Infantry.*—Those officers of the Porto Rico Regiment of Infantry, recommissioned as captains of Infantry, whose total commissioned service is less than that of any officer of Infantry of the next lower grade, shall not advance on the lineal list of captains of Infantry, nor on the relative list of officers of the United States Army, until such time as there no longer remains on the lineal list of officers of Infantry any officer of the next lower grade of equal or greater length of total commissioned service and shall take rank in the grade of captain on the lineal list of officers of Infantry and on the relative list of officers of the United States Army immediately after the juniors in rank of such officers of Infantry of equal or greater total commissioned service. *Id.*

346c. *Same—Commissioned service to be counted in determining lineal and relative rank.*—For the purpose of this act total commissioned service shall include commissioned service in the Regular Army, in the Volunteers, in the Porto Rico Provisional Regiment of Infantry, and in the Porto Rico Regiment of Infantry, and that the commissioned service of those officers of the Porto Rico Regiment of Infantry who were officers of the Porto Rico Provisional Regiment of Infantry, shall be counted as continuous and uninterrupted between the twenty-ninth day of June, nineteen hundred and eight, and the thirty-first day of December, nineteen hundred and eight. *Id.*

346d. *Lineal and relative rank of officers who held commissions in the Provisional Regiment on June 30, 1908.*—Officers of the Porto Rico Regiment of Infantry, United States Army, who held commissions in the Porto Rico Provisional Regiment of Infantry on June thirtieth, nineteen hundred and eight, shall now and hereafter take rank in their grades in the same relative order held by them in said Porto Rico Provisional Regiment of Infantry on June thirtieth, nineteen hundred and eight, subject to any loss in rank due to failure to pass examinations for promotion or to sentence of court-martial. *Sec. 21, act of June 3, 1916 (39 Stat. 181).*

347a. *Second lieutenants, appointment of.*—Vacancies created by this Act or occurring hereafter in the grade of second lieutenant in said regiment shall be filled during any calendar year by the appointment by the President, by and with the advice and consent of the Senate, of any native of Porto Rico graduated from the United

States Military Academy, and, after such appointment shall have been made or provided for, by like appointment of native citizens of Porto Rico between twenty-one and twenty-seven years of age. *Id.*

348a. *Promotion to fill vacancies between grades of second lieutenant and colonel.*—All vacancies created by this Act or occurring hereafter in commissioned offices of said regiment above the grade of second lieutenant and below the grade of colonel shall, except as hereinafter provided to the contrary, be filled by promotion according to seniority in the several grades and within the regiment, subject to the examination prescribed by section three of the Act of Congress approved October first, eighteen hundred and ninety,[1] and said section is hereby extended so as to apply in the cases of all officers below the grade of lieutenant colonel, who shall hereafter be examined for promotion in the Porto Rico Regiment of Infantry, except that the President may prescribe such a system of examination for the promotion of officers of said regiment as he may deem advisable. *Id. 180.*

[1] Paragraph 830, or 26 Stat. 562.

CHAPTER XI.

GENERAL OFFICERS AND AIDS.

	Par.		Par.
General officers of the line and staff	350a	Generals and lieutenant generals, number	350d
Increase in number of general officers of the line	350b	Same—Pay and allowances	350e
Same—Officers eligible for appointment as, in time of peace	350c		

350a. *General officers of the line and staff.*—Officers commissioned to and holding in the Army the office of a general officer shall hereafter be known as general officers of the line; officers commissioned to and holding in the Army an office other than that of a general officer, but to which the rank of a general officer is attached, shall be known as general officers of the staff. *Sec. 4, Act of June 3, 1916 (39 Stat. 167).*

350b. *Increase in number of general officers of line.*—The number of general officers of the line now authorized by law is hereby increased by four major generals and nineteen brigadier generals. *Id.*

350c. *Same—Officers eligible for appointment as, in time of peace.*—Hereafter in time of peace major generals of the line shall be appointed from officers of the grade of brigadier general of the line, and brigadier generals of the line shall be appointed from officers of the grade of colonel of the line of the Regular Army. *Id.*

350d. *Generals and lieutenants general, number.*—Section eight of the act entitled "An act to authorize the President to increase temporarily the military establishment of the United States," approved May 18, 1917, shall be held and construed to authorize the President, in accordance with the provisons of said act and for the period of the existing emergency only, to appoint as generals the Chief of Staff and the commander of the United States forces in France; and as lieutenant general each commander of an army or army corps

organized as authorized by existing laws. *Sec. 3, Act of Oct. 6, 1917 (40 Stat. 410).*

(For section 8, act of May 18, 1917, authorizing the temporary appointment of general officers in the National Army and for filling vacancies in the Regular Army resulting from such appointments, see pars. 1663 and 1664, post.)

350e. *Same—Pay and allowances.*—The pay of the grades of general and lieutenant general shall be $10,000 and $9,000 a year, respectively, with allowances appropriate to said grades as determined by the Secretary of War. *Id., 411.*

(For the ensuing provisions of this section see pars. 352a and 373a, post.)

CHAPTER XII.

RANK AND COMMAND—TACTICAL AND TERRITORIAL ORGANIZATIONS.

	Par.
Relative rank of Navy and Army officers	352a
Relative rank — Commissioned service in Marine Corps to be considered in determining	353a
Composition of brigades, divisions, and corps	356a
Brigade, division, and corps organizations may be increased or decreased	356b
Composition of regiments not to be increased nor number of regiments decreased	356c
Additional machine-gun companies for Infantry and Cavalry brigades and divisions	356d
Armored motor-car machine-gun companies for divisions; composition of	356e
Pay to clerks, messengers, and laborers at headquarters of several territorial departments, territorial districts, tactical divisions, and brigades, service schools, and office of the Chief of Staff	362a
Same—Increased pay for foreign service, employment of Filipinos, assignment to duty in War Department	362b
Headquarters clerks to be known as Army field clerks; rates of pay for; subject to Articles of War	362c
Same—Employed and assigned by Secretary of War; not to be assigned to duty in War Department	362d

352a. *Relative rank of Navy and Army officers.*—Brigadier generals of the Army shall hereafter rank relatively with rear admirals of the lower half of the grade. *Sec. 3, Act of Oct. 6, 1917 (40 Stat. 411).*

(For the preceding provisions of this section see pars. 250d and 250e, ante, and for the ensuing provision see par 373a, post.)

353a. *Relative rank—Commissioned service in Marine Corps to be considered in determining.*—Any second lieutenant of the United States Marine Corps who may have been appointed second lieutenant of artillery since the second day of February, nineteen hundred and one, and prior to the passage of this Act, shall, in determining his lineal and relative rank, be entitled to the same credit for prior commissioned service as a lieutenant of volunteers appointed under the Act entitled "An Act to increase the efficiency of the permanent Military Establishment of the United States," approved February

second, nineteen hundred and one. *Act of Dec. 20, 1904 (33 Stat. 595).*

356a. *Composition of brigades, divisions, and corps.*—The mobile troops of the Regular Army of the United States shall be organized, as far as practicable, into brigades and divisions. The President is authorized, in time of actual or threatened hostilities, or when in his opinion the interests of the public service demand it, to organize the brigades and divisions into such Army corps or armies as may be necessary. The typical Infantry brigade shall consist of a headquarters and three regiments of Infantry. The typical Cavalry brigade shall consist of a headquarters and three regiments of Cavalry. The typical Field Artillery brigade shall consist of a headquarters and three regiments of Field Artillery. The typical Infantry division shall consist of a headquarters, three Infantry brigades, one regiment of Cavalry, one Field Artillery brigade, one regiment of Engineers, one field signal battalion, one aero squadron, one ammunition train, one supply train, one engineer train, and one sanitary train. The typical Cavalry division shall consist of a headquarters, three Cavalry brigades, one regiment of Field Artillery (horse), one battalion of mounted Engineers, one field signal battalion (mounted), one aero squadron, one ammunition train, one supply train, one engineer train, and one sanitary train. The typical army corps shall consist of a headquarters, two or more Infantry divisions, one or more Cavalry brigades or a Calvary division, one Field Artillery brigade, one telegraph battalion, and one field signal battalion, and such ammunition, supply, engineer, and sanitary trains as the President may deem necessary. A brigade, a division, an army corps, and an army headquarters shall consist of such officers, enlisted men, and civilians as the President may prescribe. Each supply train, ammunition train, sanitary train, and engineer train shall consist of such officers and enlisted men and shall be organized as the President may prescribe, the line officers necessary therewith to be detailed under the provisions of sections twenty-six and twenty-seven, Act of Congress approved February second, nineteen hundred and one. Nothing herein contained, however, shall prevent the President from increasing or decreasing the number of organizations prescribed for the typical brigades, divisions, and army corps, or from prescribing new and different organizations and personnel as the efficiency of the service may require.[1] *Sec. 3, act of June 3, 1916 (39 Stat. 166).*

[1] *Held,* That in the organization of brigade headquarters the above provision would not authorize the creation of any grade not known to the law, such as a suggested brigade sergeant major, but that the President in the organization of brigade, division, or Army corps headquarters may employ such enlisted men in the grades and within the numerical limits authorized by law, in addition to those required for organizations, as he may determine to be necessary

356b. *Brigade, division, and corps organizations may be increased or decreased.*—The President is authorized to increase or decrease the number of organizations prescribed for the typical brigades, divisions, or army corps of the Regular Army, and to prescribe such new and different organizations and personnel for army corps, divisions, brigades, regiments, battalions, squadrons, companies, troops, and batteries as the efficiency of the service may require. *Par. 3, Sec. 1, Act of May 18, 1917 (40 Stat. 76).*

(For preceding provisions of this paragraph of section 1, see paragraphs 1630 - 1631.)

356c. *Composition of regiments not to be increased nor number of regiments decreased.*—The number of organizations in a regiment shall not be increased nor shall the number of regiments be decreased. *Id. 77.*

356d. *Additional machine-gun companies for Infantry and Cavalry brigades and divisions.*—The President in his discretion may organize, officer, and equip for each Infantry and Cavalry brigade three machine-gun companies, and for each Infantry and Cavalry division four machine-gun companies, all in addition to the machine-gun companies comprised in organizations included in such brigades and divisions. *Id.*

356e. *Armored motor-car machine-gun companies for divisions, composition of.*—The President in his discretion may organize for each division one armored motor-car machine-gun company. The machine-gun companies organized under this section shall consist of such commissioned and enlisted personnel and be equipped in such manner as the President may prescribe. *Id.*

(For the ensuing provision of this paragraph of section 1, see paragraph 1632.)

362a. *Pay to clerks, messengers, and laborers at headquarters of several territorial departments, territorial districts, tactical divisions and brigades, service schools, and office of the Chief of Staff.*—One chief clerk, at the office of the Chief of Staff, $2,250 per annum; three clerks, at $2,000 each per annum; twelve clerks, at $1,800 each per annum; fifteen clerks, at $1,600 each per annum; thirty-eight clerks, at $1,400 each per annum; seventy clerks, at $1,200 each per annum; sixty-five clerks, at $1,000 each per annum; six clerks (Filipinos), at $500 each per annum; one captain of the watch, at $ 0 per annum; three watchmen, at $720 each per annum; one

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the purpose, and may, therefore, include in the organization of a brigade headquarters as a part thereof and not detailed from any organization a sergeant major with the rank, pay, and allowances of whatever grade of sergeant major he may designate: *And further*, That he may also include in the organization of a brigade headquarters as personnel thereof and not pertaining to any other organization such enlisted men of other grades authorized by law as he may deem necessary. (War Dept. Bull. 34, Sept. 12, 1916.)

gardener, at $720 per annum; one packer, at $840 per annum; two messengers, at $840 each per annum; fifty-nine messengers, at $720 each per annum; six messengers (Filipinos), at $300 each per annum; one laborer, at $660 per annum; two laborers, at $600 each per annum; five charwomen, at $240 each per annum. In all, $312,690. Additional pay while on foreign service, $9,000. *Act of Mar. 4, 1915 (38 Stat. 1067).*

362b. *Same—Increased pay for foreign service, employment of Filipinos, assignment to duty in War Department.*—On and after July first, nineteen hundred and fourteen, the pay of clerks and messengers at headquarters of territorial departments, tactical divisions, brigades, and service schools, who are citizens of the United States, shall be increased $200 each per annum while serving in the Philippine Islands, such service to be computed from the date of departure from the continental limits of the United States to the date of return thereto: *Provided further*, That the money hereby appropriated for such of said clerks at $1,200 and $1,000 each per annum, and such of said messengers at $720 each per annum as may be employed and assigned by the Secretary of War to the headquarters of the Philippine Department, districts and posts therein, may, in case of vacancy and in the discretion of the commanding general, Philippine Department, be expended, in whole or in part, for the employment of Filipinos as clerks at not to exceed $500 each per annum, and messengers at not to exceed $300 each per annum.

And said clerks, messengers, and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve: *Provided*, That no clerk, messenger, or laborer at headquarters of tactical divisions, military departments, brigades, service schools, and office of the Chief of Staff shall be assigned to duty with any bureau in the War Department. *Id.*

362c. *Headquarters clerks to be known as Army field clerks; rates of pay for; subject to articles of war.*—Hereafter headquarters clerks shall be known as Army field clerks and shall receive pay at the rates herein provided, and after twelve years of service, at least three years of which shall have been on detached duty away from permanent station, or on duty beyond the continental limits of the United States, or both, shall receive the same allowances,[1] except retirement,

[1] The question was presented whether Army field clerks and field clerks, Quartermaster Corps, were entitled to heat and light allowances in public quarters which they are authorized to occupy. Such clerks who have had the requisite service prescribed in the act of August 29, 1916, creating those positions are by the statute given "the same allowances, except retirement, as heretofore allowed by law to pay clerks, Quartermaster Corps."

Held, that it having been definitely determined that no provision was made by law for furnishing pay clerks with fuel and light at public expense in public quarters (Buls. of 1915; No. 5, p. 5, and No. 21, p. 7), it follows that the field

as heretofore allowed by law to pay clerks, Quartermaster Corps, and shall be subject to the rules and articles of war. *Act of Aug. 29, 1916 (39 Stat., 625).*

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clerks are not entitled to such allowances. As in the case of pay clerks, Congress had made specific provision for *commutation* of heat and light, but no provision has been made for furnishing these allowances in kind. (War Dept. Bull. 15, Mar. 24, 1917.)

Held, that under the provisions of the statute providing for 200 Army field clerks a selection was necessary, and the statute was not, therefore, self-executing; consequently such clerks were entitled to the allowances therein provided for only from the date of their acceptance of appointment as field clerks and not from the date of the act, August 29, 1916. (Comp. of the Treas., Jan. 26, 1917; Id.)

The question was submitted to the Commissioner of Pensions whether the acceptance of the position of field clerk (act of Aug. 29, 1916, 39 Stat., 625) by a civil-service clerk receiving a pension would operate to cut off his pension in view of the War Department's ruling that field clerks are part of the Military Establishment and not subject to the civil-service rules and regulations.

Held, that since the appointment of such clerks is vested in the Secretary of War, they must be deemed as officers, and whether they be designated in military parlance as commissioned officers or noncommissioned officers is immaterial so far as the pension laws are concerned, the established rule being that one who serves under a commission or appointment from the Secretary of War is a person in the military service for pensionable purposes (Stout case, 19 P. D., 149); and that, therefore, under section 4724, Revised Statutes, and the act of March 3, 1891 (26 Stat., 1082), no pension can lawfully be paid to a person holding the position of field clerk covering the period of such service. *Advised*, however, that this ruling is subject to approval or modification of the Secretary of the Interior upon the appeal of any pensioner from the action of the Pension Bureau in dropping his name from the pension roll, because of his appointment and service as a field clerk under the act of August 29, 1916. (Commissioner of Pensions, Apr. 11, 1917, War Dept. Bull. 26, May 7, 1917.)

Upon inquiry (*a*) whether Army field clerks and field clerks, Quartermaster Corps, are exempt from militia duty, and (*b*) whether their enlistment in the National Guard is prohibited—

Held, as to (*a*), that since Army field clerks and field clerks, Quartermaster Corps, now occupy a status in the military service of the United States, they come within the provisions of section 59 of the national defense act which exempts "persons in the military and naval service of the United States," from militia duty, and therefore are exempted from such duty.

Held, as to (*b*), that the National Guard is plainly designed by the national defense act to be an effective force and to supplement the permanent military forces of the Nation, and that it is plainly the intent of the law governing its organization that its members shall be available for any service which it may be called upon to perform, and not be prevented from performing such duty by any paramount obligation in the permanent military force. This intent is clearly indicated by the exemption of persons in the military and naval service of the United States from militia duty, above cited. That special authority of law is necessary to justify the occupancy of status in both the Regular Army and the National Guard by the same person is indicated by the authority expressly conferred by section 100 of the national defense act for officers of the Regular Army to accept commissions in the National Guard with the permission of the President and terminable at his discretion. There is no such authority for any persons in the active military service of the United States, other than officers, to occupy such dual status. Therefore, the effect of the law governing the organization and maintenance of the National Guard is to render a status in the active permanent Military Establishment incompatible with a status in the National Guard. The enlistment of Army field clerks and field clerks, Quartermaster Corps, is therefore, in effect, prohibited by law. (War Dept. Bull. 34, June 8, 1917.)

An Army field clerk inquired whether he was entitled to credit for prior service as clerk in the Quartermaster Corps and in the Signal Corps for the purpose of making up 12 years of service under the act of August 29, 1916, which changed headquarters' clerks to Army field clerks, and provides that

362d. *Same—Employed and assigned by Secretary of War; not to be assigned to duty in War Department.*—Said clerks, messengers, and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve: *Provided*, That no clerk, messenger, or laborer at headquarters of tactical divisions, military departments, brigades, service schools, and office of the Chief of Staff shall be assigned to duty in any bureau in the War Department. *Id.*, *636*.

"after 12 years' service," as therein prescribed, they shall receive the same allowances, except retirement, "as heretofore allowed by law to pay clerks, Quartermaster Corps."

Held, that as the governing statute relates only to headquarters clerks changed to Army field clerks, and there is nothing in it to suggest a different purpose, it must be held that the phrase "after 12 years' service" refers only to service as headquarters clerk or as Army field clerk; and that in the instant case the field clerk was not entitled to count his prior service as clerk in the Quartermaster Corps and Signal Corps. (War Dept. Bull. 54, Sept. 26, 1917.)

Under the Army appropriation act of August 29, 1916, Army field clerks after 12 years' service, 3 years of which shall have been on detached duty away from permanent station or on duty beyond the continental limits of the United States, or both, are entitled to certain allowances. In computing the 12 years' service, service as an enlisted man can not be counted. Service as headquarters clerk prior to the passage of the act and as an Army field clerk thereafter should be counted. (War Dept. Bull. 72, Dec. 24, 1917.)

Army field clerks are classified as enlisted men in the War Risk Insurance act of October 6, 1917, and are therefore required to make compulsory allotments. (Dig. Opin. J. A. G., January, 1918.)

CHAPTER XIII.

THE GENERAL STAFF CORPS.

	Par.
Details of officers, except general officers, to be made on recommendation of board of officers	365a
Promotion of officer while serving detail in General Staff Corps or other staff departments, status of	365b
General Staff Corps, composition of	366a
Same—Tour of detail in	366b
Same—Temporary assignment to duty with any branch of Army	366c
Same—Redetails limited	366d
Same—Filling vacancies made by details	366e
Same—Composition of during existing war	366f
Same—Assignment to duty in the District of Columbia	369a
Same—Suspension of operation of inhibition during existing emergency	369a½
Employment restricted to study of military problems, etc	369b
Same—Supervision over War College, details and assignments to duty in	369c
Chief of Coast Artillery to be additional member of; certain organizations in office of Chief of Staff abolished and their duties transferred to other bureaus	370a
Duties limited to those specified in organic Act and in this section	370b
Penalty imposed upon superior for permitting subordinate to violate provisions of this section	370c

365a. *Details of officers, except general officers, to be made on recommendation of board of officers.*—No officer shall be detailed as a member of the General Staff Corps, other than the Chief of Staff and the general officers herein provided for as assistants to the Chief of Staff, except upon the recommendation of a board of five officers not below the rank of colonel, who shall be selected by the President or the Secretary of War, and neither the Chief of Staff nor more than two other members of the General Staff Corps, nor any officer not a member of said corps, who shall have been stationed or employed on any duty in or near the District of Columbia within one year prior to the date of convening of any such board, shall be detailed as a member thereof. No recommendation made by any such board shall, for more than one year after the making of such recommendation or at any time after the convening of another such board, unless again recommended by the new board, be valid as a

basis for the detail of any officer as a member of the General Staff Corps; and no alteration whatever shall be made in any report or recommendation of any such board, either with or without the consent of members thereof, after the board shall have submitted such report or recommendation and shall have adjourned sine die.[1] *Sec. 5, act of June 3, 1916 (39 Stat. 168).*

(See paragraphs 366a–366e, 369a, 369b for the provisions of this section preceding this paragraph.)

365b. *Promotion of officer while serving detail in General Staff Corps or other staff departments, status of.*—If any officer detailed in the General Staff Corps, or as an officer of any staff corps or department of the Army, shall be promoted to the next higher grade while so serving he may be permitted to serve out the period of his detail, and the number of officers in the organization in which he shall be serving and in the grade to which he shall have been promoted shall be increased by one for such time as he shall be an additional number in said organization and grade; but the whole number of officers detailed to said organization shall at no time exceed the aggregate of the numbers allowed to the several grades thereof by law other than this proviso. *Id. 169.*

(See paragraphs 366a–366e, 369a, 365a, 365b, 370a, 370b, and 370c for the provisions of sec. 5 preceding this paragraph.)

366a. *General Staff Corps, composition of.*—The General Staff Corps shall consist of one Chief of Staff, detailed in time of peace from major generals of the line; two assistants to the Chief of Staff, who shall be general officers of the line, one of whom, not above the grade of brigadier general, shall be the president of the Army War College; ten colonels; ten lieutenant colonels; fifteen majors; and seventeen captains, to be detailed from corresponding grades in the Army, as in this section hereinafter provided. *Id. 167.*

(For provision in sec. 3, act of October 6, 1917, giving the Chief of Staff the rank of general during the existing emergency, and fixing his pay and allowances, see paragraphs 350d and 350e, ante.)

366b. *Same—Tour of detail in.*—All officers detailed in the General Staff Corps shall be detailed therein for periods of four years, unless sooner relieved. *Id.*

366c. *Same—Temporary assignment to duty with any branch of Army.*—While serving in the General Staff Corps officers may be temporarily assigned to duty with any branch of the Army. *Id.*

366d. *Same—Redetails limited.*—Upon being relieved from duty in the General Staff Corps officers shall return to the branch of the Army in which they hold permanent commissions, and no officer

[1] *Held*, that the service of officers on a board sitting in the District of Columbia which was found after the completion of its report to be illegal was not service in the District within the prohibition of the Act, and that they were not therefore by reason of such service ineligible for service on a new board. (War Dept. Bull. 18, July 8, 1916.)

shall be eligible to a further detail in the General Staff Corps until he shall have served two years with the branch of the Army in which commissioned, except in time of actual or threatened hostilities. *Id.*

366e. *Same—Filling vacancies made by details.*—Section twenty-seven[1] of the Act of Congress approved February second, nineteen hundred and one, shall apply to each position vacated by officers below the grade of general officer detailed in the General Staff Corps. *Id. 167.*

366f. *Same—Composition of during existing war.*—The General Staff Corps shall consist of one Chief of Staff, who shall be a general officer of the line and who shall take rank and precedence over all other officers of the Army; two assistants to the Chief of Staff,[2] who shall be general officers of the line, one of whom shall be the president of the Army War College; ten colonels; twelve lieutenant colonels; thirty-two majors; and thirty-four captains, to be detailed from corresponding grades in the Army as in this section hereinafter provided. All officers detailed in the General Staff Corps shall be detailed therein for a period of four years, unless sooner relieved. While serving in the General Staff Corps, officers may be temporarily assigned to duty with any branch of the Army. Upon being relieved from duty in the General Staff Corps, officers shall return to the branch of the Army in which they hold permanent commissions, and no officer shall be eligible to a further detail in the General Staff Corps until he shall have served two years with the branch of the Army in which commissioned, except in time of actual or threatened hostilities. Section twenty-seven of the Act of Congress approved February second, nineteen hundred and one, shall apply to each position vacated by officers below the grade of general officer detailed in the General Staff Corps. *Act of May 12, 1917 (40 Stat. 46), amending Sec. 5, Act of June 3, 1916 (39 Stat. 169).*

(See paragraphs 366a–366e, Ante.)

369a. *Same—Assignment to duty in the District of Columbia.*—Not more than one-half of all of the officers detailed in said corps shall at any time be stationed, or assigned to or employed upon any duty, in or near the District of Columbia.[3] *Sec. 5, act of June 3, 1916 (39 Stat. 167).*

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[1] See paragraph 883, ante, or 31 Stat. 755.

[2] For provision in section 3, act of October 6, 1917, giving the Chief of Staff the rank of general during the existing emergency, and fixing his pay and allowances, see paragraphs 350d and 350e, ante.

[3] *Held*, that as the law requires assignment of the officers, upon the approval of the Act, to some other station than one in or near the District of Columbia they could not retain station in Washington for any purpose; and that if not assigned to some other station than the one to which they are temporarily assigned for duty their right to receive commutation of quarters, heat, and light

369a¼. *Same—Suspension of operation of inhibition during existing emergency.*—The following language of section five of the Act of June third, nineteen hundred and sixteen, entitled "An Act for making further and more effectual provision for the national defense, and for other purposes," to wit: "Not more than one-half of all of the officers detailed in said corps shall at any time be stationed, or assigned to or employed upon any duty, in or near the District of Columbia," be amended so as to authorize the President to suspend the operation of the same during the existing emergency. *Act of May 12, 1917 (40 Stat. 73), amending Sec. 5, Act of June 3, 1916 (39 Stat. 167).*

369b. *Employment restricted to study of military problems, etc.*—All officers detailed in said corps shall be exclusively employed in the study of military problems, the preparation of plans for the national defense and the utilization of the military forces in time of war, in investigating and reporting upon the efficiency and state of preparedness of such forces for service in peace or war, or an appropriate General Staff duties in connection with troops, including the National Guard, or as military attachés in foreign countries, or on other duties, not of an administrative nature, on which they can be lawfully and properly employed. *Sec. 5, act of June 3, 1916 (39 Stat. 167).*

(See paragraphs 366a–366e for the provisions of section 5 preceeding this paragraph.)

369c. *Same—Supervision over War College; details and assignments to duty in.*—The War College shall remain fully subject to the supervising, coordinating, and informing powers conferred by law upon members of the General Staff Corps, and officers for duty as instructors or students in or as attachés of said collage may be selected and detailed freely from among members of said corps, but any officer so selected and detailed other than one director shall thereupon cease to be a member of said corps and shall not be eligible for redetail therein so long as he shall remain on said duty; and no officer on the active list of the Army shall, for more than thirty days in any calendar year, be attached to or assigned to duty in the War College in any capacity other than that of president, director, instructor, or student, or, unless a member of the General Staff Corps, be attached to or employed in the office of the Chief of Staff. *Id.* 168.

(See paragraph 365a for provision of section 5 preceding this paragraph.)

370a. *Chief of Coast Artillery to be additional member of; certain organizations in office of Chief of Staff abolished and their duties*

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must depend on such temporary assignment. (War Dept. Bull. 18, July 8, 1916.)

Held, that general officers detailed to the General Staff Corps must be regarded as part of the one-half of the officers of the corps permitted to be assigned to or employed on duty in or near the District of Columbia. (War Dept. Bull. 28, Aug. 18, 1916.)

transferred to other bureaus.—The organizations heretofore existing in or in connection with the office of the Chief of Staff under the designations of the mobile army division and the Coast Artillery division be, and they are hereby, abolished and shall not be reestablished. The business heretofore transacted in said division, except such as comes clearly within the general powers specified in and conferred upon members of the General Staff Corps by the organic Act of Congress approved February fourteenth, nineteen hundred and three,[1] is hereby transferred as follows, to wit, to the office of the Chief of Coast Artillery, all business apportioned to that office by law or Army regulations at the time of the creation of the Coast Artillery divison of the office of the Chief of Staff; to the office of The Adjutant General or other bureau or bureaus concerned, all other business; and, subject to the exercise of the supervising, coordinating, and informing powers conferred upon members of the General Staff Corps by the Act of Congress last hereinbefore cited, the business transferred by this proviso to certain bureaus or offices shall hereafter be transacted exclusively by or under the direction of the respective heads thereof; and the Chief of Coast Artillery shall be an additional member of the General Staff Corps and shall also be advisor to and informant of the Chief of Staff in respect to the business under his charge. *Id.*

(See paragraph 369b for provision of section 5 preceding this paragraph.)

370b. *Duties limited to those specified in organic Act and in this section.*—Hereafter members of the General Staff Corps shall be confined strictly to the discharge of the duties of the general nature of those specified for them in this section and in the organic Act of Congress last hereinbefore cited, and they shall not be permitted to assume or engage in work of an administrative nature that pertains to established bureaus or offices of the War Department, or that, being assumed or engaged in by members of the General Staff Corps, would involve impairment of the responsibility or initiative of such bureaus or offices, or would cause injurious or unnecessary duplication of or delay in the work thereof. *Id.*

370c. *Penalty imposed upon superior for permitting subordinate to violate provisions of this section.*—All pay and allowances shall be forfeited by any superior for any period during which, by his order or his permission, or by reason of his neglect, any subordinate shall violate any of the foregoing provisions of this section. *Id. 169.*

[1] See paragraph 368 ante, or 32 Stat. 831.

CHAPTER XIV.

THE STAFF DEPARTMENTS—GENERAL PROVISIONS—DISBURSING OFFICERS.

	Par.		Par.
Rank, pay, and allowances of chiefs of staff corps, departments, or bureaus	373a	Advance payments to contractors for supplies by Secretaries of War and Navy	407a
Bonds may be waived in cases of officers of Quartermaster Corps who are not accountable for public funds or property	387a	Same—Security from contractors	407b
		Funds for stores or material procured by one bureau of War Department for another, etc., repayment of	417a

373a. *Rank, pay, and allowances of chiefs of staff corps, departments, or bureaus.*—Hereafter, the chief of any existing staff corps, department, or bureau, except as is otherwise provided for the Chief of Staff, shall have the rank, pay, and allowances of major general. *Sec. 3, Act of Oct. 6, 1917 (40 Stat. 411).*

(For the preceding provisions of this section see paragraphs 250d, 250e, and 352a, ante.)

387a. *Bonds may be waived in cases of officers of Quartermaster Corps who are not accountable for public funds or property.*—Hereafter the provisions of section eleven hundred and ninety-one of the Revised Statutes of the United States may, in the discretion of the Secretary of War, be waived in the cases of officers of the Quartermaster Corps who are not accountable for public funds or public property. *Act of Aug. 29, 1916 (39 Stat. 626).*

407a. *Advance payments to contractors for supplies by Secretaries of War and Navy.*—The Secretary of War and the Secretary of the Navy are authorized, during the period of the existing emergency, from appropriations available therefor to advance payments to contractors for supplies for their respective departments in amounts not exceeding thirty per centum of the contract price of such supplies. *Sec. 5, Act of Oct. 6, 1917 (40 Stat. 383).*

407b. *Same—Security from contractors.*—Such advances shall be made upon such terms as the Secretary of War and the Secretary of the Navy, respectively, shall prescribe and they shall require adequate

security for the protection of the Government for the payments so made. *Id.*

417a. *Funds for stores or material procured by one bureau of War Department for another, etc., repayment of.*—Hereafter when one bureau of the War or Navy Departments procures by purchase or manufacture stores or material of any kind or performs any service for another bureau of such departments the funds of the bureau or department for which the stores or material are to be procured or the service performed may be placed subject to the requisition of the bureau or department making the procurement or performing the service for direct expenditure by it: *Provided*, That when the stores being procured are for current issue during the year stores of equal value may be issued from stock on hand in place of any of those aforesaid.[1] *Act of Mar. 4, 1915 (38 Stat. 1084).*

[1] There is no general statute governing the transfer or sale of Government property from one department to another. However, see pars. 619 and 671, Army Regulations, 1913, covering the transfer of War Department property, and page 907, Dig. Opin. J. A. G., 1912, and 17 Opin. Att. Gen., 480, to the effect that "the transfer of public property from one bureau or department to another is not regarded as a sale."

CHAPTER XV.

THE ADJUTANT GENERAL'S DEPARTMENT.[1]

	Par.		Par.
Adjutant General's Department, composition of	431a	Decision of War Department as to date of muster conclusive	455a

431a. *Adjutant General's Department, composition of.*—The Adjutant General's Department shall consist of The Adjutant General with the rank of brigadier general; seven adjutants general with the rank of colonel; thirteen adjutants general with the rank of lieutenant colonel; and thirty adjutants general with the rank of major. *Sec. 6, Act of June 3, 1916 (39 Stat. 169).*

(For provision in sec. 3, act of October 6, 1917, giving The Adjutant General the rank, pay, and allowances of major general, see paragraph 373a, ante.)

455a. *Decision of War Department as to date of muster conclusive.*—Hereafter in administering the Act of Congress approved February twenty-fourth, eighteen hundred and ninety-seven, entitled "An Act to provide for the relief of certain officers and enlisted men of the volunteer forces," the decision of the War Department as to the right of any person to be held and considered to have been mustered into the service of the United States under the provisions of said Act shall be conclusive, and no claims shall be allowed or considered under said Act after the first day of January, nineteen hundred and eleven. *Act of Apr. 19, 1910 (36 Stat. 324).*

[1] For the statutes relating to the United States Disciplinary Barracks, the government and control of which was vested in The Adjutant General by par. 2, sec. 3, act of Mar. 4, 1915 (38 Stat. 1085), see para. 475a–488b, post.

CHAPTER XVI.

THE INSPECTOR GENERAL'S DEPARTMENT.

	Par.		Par.
Inspector General's Department, composition of	459a	Detail of acting inspector general	459b

459a. *Inspector General's Department, composition of.*—The Inspector General's Department shall consist of one Inspector General with the rank of brigadier general; four inspectors general with the rank of colonel; eight inspectors general with the rank of lieutenant colonel; and sixteen inspectors general with the rank of major.[1] *Sec. 7, Act of June 3, 1916 (39 Stat. 169).*

(For provision in section 3, act of October 6, 1917, giving the Inspector General the rank, pay, and allowances of major general, see paragraph 373a, ante.)

459b. *Detail of acting inspectors general.*—The Secretary of War may, in addition, detail officers of the line, not to exceed four, to act as assistant inspector-general: *Provided*, That officers of the line detailed as acting inspectors general shall have all the allowances of Cavalry officers of their respective grades. *Sec. 1, Act of June 23, 1874 (18 Stat. 244).*

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[1] *Held*, That this provision does not repeal the authority contained in the act of June 23, 1874 (18 Stat. 244) to "detail officers of the line, not to exceed four, to act as assistant inspectors general" with pay and allowances as prescribed, which has been regarded by the department as permanent legislation and as not having been repealed by provisions similar to the above section 7 contained in the acts of February 5, 1885 (23 Stat. 297), March 2, 1899 (31 Stat. 701), and February 2, 1901 (31 Stat. 751). (War Dept. Bull. 18, July 8, 1916.)

There is but one Army of the United States, and every organization, bureau, officer, and man in the military service is part of it. The Inspector General's Department, as well as all other staff corps and departments, are to be reorganized out of the Army at large so that such departments may properly perform their ever-increasing functions. The primary authority for providing the necessary staff officers in the increased establishment is not to be found in the use of reserve officers as such, but in the power to appoint necessary officers under the National Army act. (War Dept. Bull. 67, Nov. 30, 1917.)

CHAPTER XVII.

THE JUDGE ADVOCATE GENERAL'S DEPARTMENT—MILITARY PRISON.

	Par.
Judge Advocate General's Department, composition of	465a
Promotions below rank of colonel based on written examinations	467a
Same—Officers in grade of major found physically or mentally disqualified, board of review, etc	467b
Same—Lieutenant colonels found disqualified, suspension from promotion and retirement with or without promotion after final examination	467c
Vacancies, one to be filled by person from civil life with special qualifications	468a
Acting judge advocates, assignment of	469a
Details of acting judge advocates only excepted from operation of Manchu law; details for purpose of taking law course prohibited	469b
Revision and codification of military laws of United States, preparation of	471a
Same—Appropriation for expenses of	471b
United States Disciplinary Barracks	475a–488b
Military Prison, United States and branches, name changed to United States Disciplinary Barracks	475a
Military Prison, United States, name changed to United States Disciplinary Barracks	475b
Same—Military offenses punishable in a penitentiary, confinement may be in United States, State, Territory, or District penitentiary	475c
Same—Secretary of War may designate branch disciplinary barracks	476a
Same—Government and control of disciplinary barracks vested in The Adjutant General	477a
Same—Commandant and other commissioned and noncommissioned officers, etc., at, composition of	480a
Same—Duties of the commandant	481a
Same—Organization of disciplinary companies and higher units, etc	481b
Same—Clemency and restoration to colors of persons not discharged and reenlistment of discharged persons	488a
Parole of general prisoners in disciplinary barracks, and restoration to duty of those serving confinement in places other than disciplinary barracks	488b

465a. *Judge Advocate General's Department, composition of.*—The Judge Advocate General's Department shall consist of one Judge Advocate General with the rank of brigadier general; four judge advocates with the rank of colonel; seven judge advocates with the

rank of lieutenant colonel; and twenty judge advocates with the rank of major. *Sec. 8, Act of June 3, 1916 (39 Stat. 169).*

(For provision in section 3, act of October 6, 1917, giving the Judge-Advocate General the rank, pay, and allowances of major general, see paragraph 373a, ante.)

467a. *Promotions below rank of colonel based on written examinations.*—No officer of the Judge Advocate General's Department below the rank of colonel shall be promoted therein until he shall have successfully passed a written examination before a board consisting of not less than two officers of the Judge Advocate General Department, to be designated by the Secretary of War, such examination to be prescribed by the Secretary of War and to be held at such time anterior to the accruing of the right to promotion as may be for the best interests of the service. *Id.*

(For the provisions of this section which precede this paragraph, see paragraphs 465a, 468a, 469a, and 469b.)

467b. *Same—Officers in grade of major found physically or mentally disqualified, board of review, etc.*—Should any officer in the grade of major of the Judge Advocate General's Department fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted; but if he should be found disqualified for promotion for any other reason, a second examination shall not be allowed, but the Secretary of War shall appoint a board of review to consist of two officers of the Judge Advocate General's Department superior in rank to the officer examined, none of whom shall have served as a member of the board which examined him. If the unfavorable finding of the examining board is concurred in by the board of review, the officer reported disqualified for promotion shall be honorably discharged from the service with one year's pay. If the action of the examining board is disapproved by the board of review, the officer shall be considered qualified and shall be promoted. *Id. 170.*

467c. *Same—Lieutenant colonels found disqualified, suspension from promotion and retirement with or without promotion after final examination.*—Any lieutenant colonel of the Judge Advocate General's Department, who, at his first examination for promotion to the grade of colonel, has been found disqualified for such promotion for any reason other than physical disability incurred in the line of duty shall be suspended from promotion and his right thereto shall pass successively to such officers next below him in rank as are or may become eligible to promotion under existing law during the period of his suspension; and any such officer suspended from promotion shall be reexamined as soon as practicable after the expiration of one year from the date of the completion of the examination that

resulted in his suspension; and if on such reexamination he is found qualified for promotion, he shall again become eligible thereto; but if he is found disqualified by reason of physical disability incurred in line of duty in either examination, he shall be retired, with the rank to which his seniority entitled him to be promoted; and if he is not found disqualified by reason of such physical disability, but is found disqualified for promotion for any other reason in the second examination, he shall be retired without promotion. *Id.*

468a. *Vacancies, one to be filled by person from civil life with special qualifications.*—Of the vacancies created in the Judge Advocate General's Department by this Act, one such vacancy, not below the grade of major, shall be filled by the appointment of a person from civil life, not less than forty-five nor more than fifty years of age, who shall have been for ten years a judge of the Supreme Court of the Philippine Islands, shall have served for two years as a captain in the Regular or Volunteer Army, and shall be proficient in the Spanish language and laws. *Id.*

(For the provision of this section which immediately precedes this paragraph see paragraph 469a.)

469a. *Acting judge advocates, assignment of.*—Acting judge advocates may be detailed under the provisions of existing law for separate brigades and for separate general court-martial jurisdictions, and when not immediately required for service with a geographical department, tactical division, separate brigade, or other separate general court-martial jurisdiction, acting judge advocates may be assigned to such other legal duty as the exigencies of the service may require. *Id.*

(For the provision of this section which immediately precedes this paragraph see paragraph 465a.)

469b. *Details of acting judge advocates only excepted from operation of Manchu law; details for purpose of taking law course prohibited.*—So much of the Act of Congress approved August twenty-fourth, nineteen hundred and twelve,[1] as relates to the detachment or detail of officers for duty in the Judge Advocate General's Department shall hereafter be held to apply only to the acting judge advocates authorized by law; and hereafter no officer shall be or remain detached from any command or assigned to any duty or station with intent to enable or aid him to pursue the study of law. *Id.*

(For the provision of this section immediately preceding this paragraph see paragraph 468a.)

471a. *Revision and codification of military laws of United States, preparation of.*—The Secretary of War is hereby directed to cause to

[1] Manchu law, par. 937, ante, or 37 Stat., 571, 645.

be prepared, with as much expedition as may be consistent with thoroughness, to be finished within two years, a revision and codification of the military laws of the United States, which shall conform in scope and character to the revision and codification of the laws of the United States of a permanent and general nature directed by the Act of March third, nineteen hundred and one. The Secretary of War shall submit to Congress a report of progress of the revision and codification herein directed upon the first day of the second session of the Sixty-fourth Congress, and, when the revision and codification is completed, he shall cause a copy of the same, in print, to be submitted to Congress, that the statutes so revised and codified may be reenacted if Congress shall so determine. *Act of Aug. 29, 1916 (39 Stat. 627).*

471b. *Same—Appropriation for expenses of.*—For paying the expenses of clerical hire and printing and other expenses incident to the making of the revision and codification herein directed, not to exceed $5,000, to be expended upon certificates of the Secretary of War that the expenditures were necessary therefor. *Id.*

UNITED STATES DISCIPLINARY BARRACKS.

475a. *Military prison, United States and branches, name changed to United States Disciplinary Barracks.*—The United States military prison at Fort Leavenworth, Kansas, shall hereafter be known as the United States Disciplinary Barracks and the branches of said prison as branches of such barracks. *Act of Mar. 4, 1915 (38 Stat. 1074).*

475b. *Military prison, United States, name changed to United States Disciplinary Barracks.*—Chapter six, Title XIV, of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

The United States Military Prison, Fort Leavenworth, Kansas, shall hereafter be known as the United States Disciplinary Barracks. *Par. 1, sec. 2, act of Mar. 4, 1915 (38 Stat. 1084).*

475c. *Same—Military offenses punishable in a penitentiary, confinement may be in United States, State, Territory, or District penitentiary.*—Persons sentenced to confinement upon conviction by courts-martial or other military tribunals of crimes or offenses which, under some statute of the United States or under some law of the State, Territory, District, or other jurisdiction in which the crime or offense may be committed, are punishable by confinement in a penitentiary, including persons sentenced to confinement upon conviction by courts-martial or other military tribunals of two or more acts or omissions, any one of which, under the statute or other law hereinbefore mentioned, constitutes or includes a crime or offense punish-

able by confinement in a penitentiary, may be confined at hard labor, during the entire period of confinement so adjudged, in any United States, State, Territorial, or District penitentiary, or in any other penitentiary directly or indirectly under the jurisdiction of the United States; and all persons sentenced to confinement upon conviction by courts-martial or other military tribunals who are not confined in a penitentiary may be confined and detained in the United States Disciplinary Barracks. *Par. 2, sec. 2, id.*

476a. *Same—Secretary of War may designate branch disciplinary barracks.*—The Secretary of War may, from time to time, designate any building or structure or any part thereof under the control of the Secretary of War and pertaining to the military establishment as a branch disciplinary barracks for the confinement and detention of offenders whom it is impracticable to send to the United States Disciplinary Barracks at Fort Leavenworth, Kansas; and all branch disciplinary barracks and all offenders sent thereto for confinement and detention therein shall be subject to the laws respecting the United States Disciplinary Barracks at Fort Leavenworth, Kansas, and the offenders sent thereto for confinement and detention therein. *Par. 8, sec. 2, id. 1086.*

477a. *Same—Government and control of disciplinary barracks vested in The Adjutant General.*—The government and control of the United States Disciplinary Barracks and of all offenders sent thereto for confinement and detention therein shall be vested in The Adjutant General of the Army under the direction of the Secretary of War, who shall from time to time make such regulations respecting the same as may be deemed necessary, and who shall submit annually to Congress a full statement of the financial and other affairs of said institution for the preceding fiscal year. *Par. 3, sec. 2, id. 1085.*

480a. *Same—Commandant and other commissioned and noncommissioned officers, etc., at, composition of.*—The officers of the United States Disciplinary Barracks shall consist of a commandant and such subordinate officers as may be necessary, who shall be detailed by the Secretary of War from the commissioned officers of the Army at large. In addition to detailing for duty at said disciplinary barracks such number of enlisted men of the Staff Corps and departments as he may deem necessary, the Secretary of War shall assign a sufficient number of enlisted men of the line of the Army for duty as guards at said disciplinary barracks and as noncommissioned officers of the disciplinary organizations hereinafter authorized. Said guards, and also the enlisted men assigned for duty as noncommissioned officers of disciplinary organizations, shall be detached from the line of the Army, or enlisted for the purpose; and said guards shall be organized as infantry, with noncommissioned officers, musicians, artificers, and cooks of the number and grades allowed by law

for infantry organizations of like strength: *Provided*, That at least one of said guards shall have the rank, pay, and allowances of a battalion sergeant major. *Par. 4, sec. 2, id.*

(For authorization for the detail of 100 sergeants for duty with the disciplinary organizations at the United States Disciplinary Barracks, who shall be additional to the sergeants authorized for the corps, companies, troops, batteries, and detachments from which they may be detailed, see par. 1332a.)

481a. *Same—Duties of the commandant.*—The commandant of the United States Disciplinary Barracks shall have command thereof and charge and custody of all offenders sent thereto for confinement and detention therein; shall govern such offenders and cause them to be employed at such labor and in such trades and to perform such duties as may be deemed best for their health and reformation and with a view to their honorable restoration to duty or their reenlistment as hereinafter authorized; shall cause note to be taken and a record to be made of the conduct of such offenders; and may shorten the daily time of hard labor of those who by their obedience, honesty, industry, and general good conduct earn such favors—all under such regulations as the Secretary of War may from time to time prescribe. *Par. 5, sec. 2, id.*

481b. *Same—Organization of disciplinary companies and higher units, etc.*—The Secretary of War shall provide for placing under military training those offenders sent to the United States Disciplinary Barracks for confinement and detention therein whose record and conduct are such as to warrant the belief that upon the completion of a course of military training they may be worthy of an honorable restoration to duty or of being permitted to reenlist; may provide for the organization of offenders so placed under military training into disciplinary companies and higher units, organized as infantry, with noncommissioned officers, except color sergeants, selected or appointed from the enlisted men assigned to duty for that purpose pursuant to the provisions of paragraph four hereof; and may provide for uniforming, arming, and equipping such organizations. *Par. 6, sec. 2, id.*

488a. *Same—Clemency and restoration to colors of persons not discharged and reenlistment of discharged persons.*—Whenever he shall deem such action merited the Secretary of War may remit the unexecuted portions of the sentences of offenders sent to the United States Disciplinary Barracks for confinement and detention therein and in addition to such remission may grant those who have not been discharged from the Army an honorable restoration to duty, and may authorize the reenlistment of those who have been discharged or upon their written application to that end order their restoration to the Army to complete their respective terms of enlistment, and such application and order of restoration shall be effective to revive

the enlistment contract for a period equal to the one not served under said contract. *Par. 7, sec. 2, id.*

488b. *Parole of general prisoners in disciplinary barracks, and restoration to duty of those serving confinement in places other than disciplinary barracks.*—The authority now vested in the Secretary of War to give an honorable restoration to duty, in case the same is merited, to general prisoners confined in the United States disciplinary barracks and its branches shall be extended so that such restoration may be given to general prisoners confined elsewhere, and the Secretary of War shall be, and he is hereby, authorized to establish a system of parole for prisoners confined in said barracks and its branches, the terms and conditions of such parole to be such as the Secretary of War may prescribe. *Act of Mar. 4, 1915 (38 Stat. 1074).*

CHAPTER XVIII.

THE QUARTERMASTER CORPS.

	Par.
The Quartermaster Corps, composition of	495a
Disbursement by officers as agents of officers of Quartermaster Corps	499a
Chief to be Quartermaster General	501a
Enlisted men, composition of	506a
Enlisted strength, composition of	506b
Enlistment of cook instructors with grade of sergeants, first class, Quartermaster Corps	506c
Grade of military storekeeper revived for appointment of Charles P. Daly	513a
Appointment of quartermaster sergeants in Quartermaster Corps	514a
Motor electricians hereafter to be known as quartermaster sergeants	514b
Duties of officers include construction and repair work	515a
Sale of surplus ice, electric current, etc., from Government plants where no competition	521a
Same—Disposition of proceeds of such sales	521b
Provision giving preference to transportation of troops and material of war amended so as to require prompt delivery in time of peace without regard to any embargo which may have been declared	525a
Transportation in time of war	525b–525k
In time of war possession and control may be taken of transportation systems	525b
Obstructing or retarding, etc., orderly conduct or movement of interstate or foreign commerce, or orderly movement of trains, etc., engaged therein, punishment; employment of armed forces	525c
Provisions relative to decrees of antitrust violations, labor disputes, etc., not repealed	525d
Preference or priority of transportation of commodities essential to national defense	525e
Same—Directions for	525f
Same—Offices for persons designated, compensation, etc	525g
Maintenance of agencies at Washington by common carriers	525h
Duties of common carriers, punishment for failure to perform	525i
Rates for transportation of persons and property to be just and reasonable	525j
Exemption from preferential or priority provisions in existing law	525k
Transfer of vessels, equipment, stations, and personnel of Lighthouse Service to War Department in time of national emergency	534a
Same—Return of, to Lighthouse Service when emergency ceases	534b

	Par.
Same—Personnel while under jurisdiction of War Department subject to Articles of War	534c
Same—Secretaries of War, Navy, and Commerce to prescribe regulations governing duties of Lighthouse Service in time of war	534d
Shipping Board to have constructed or purchase, lease, or charter vessels suitable for use as Army transports or for other military purposes, etc	534e
Vessels of War Department, not needed for military purposes in time of peace, may be transferred to the board permanently or for limited periods	534f
Cost of ships turned over to Army excepted from appropriation for ships, which is to be reimbursed cost of same	534g
Coast and Geodetic Survey	534h–534p
Transfer of vessels, equipment, stations, and personnel of, to War Department, etc., in time of national emergency	534h
Same—Return of, when emergency ceases	534i
Same—Personnel subject to articles of war, etc., while under jurisdiction of War Department	534j
Pay and allowances not to be reduced by transfer, pension for disabilities incurred while under jurisdiction of War Department, etc	534k
Same—Examinations for appointment and promotion	534l
Field officers of; designation, appointment, and pay	534m
Relative rank while serving with Army, etc	534n
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495a. *The Quartermaster Corps, composition of.*—The Quartermaster Corps shall consist of one Quartermaster General with the rank of major general; two assistants to the Quartermaster General with the rank of brigadier general; twenty-one colonels; twenty-four lieutenant colonels; sixty-eight majors; one hundred and eighty captains; and the pay clerks now in active service, who shall hereafter have the rank, pay, and allowances of a second lieutenant, and the President is hereby authorized to appoint and commission them, by and with the advice and consent of the Senate, second lieutenants in the Quartermaster Corps, United States Army.[1] *Sec. 9, act of June 3, 1916 (39 Stat. 170).*

[1]A second lieutenant, Quartermaster Corps, commissioned from pay clerk under section 9 of the national-defense act, requested that he be transferred to second lieutenant of Infantry.

Held, that under existing laws such transfer is not authorized. (War Dept. Bull. 3, Jan. 19, 1917.)

Held, that the new positions created belong to the Quartermaster Corps as a whole, and the rule prescribed by the act of Aug. 3, 1912 (37 Stat. 591), in connection with the reorganization of that corps, is not applicable, and that the

(See paragraphs 506b, 514b, and 515a for the ensuing provisions of this section.)

499a. *Disbursements by officers as agents of officers of Quartermaster Corps.*—Hereafter, under such regulations as may be prescribed by the Secretary of War, officers of the Quartermaster Corps accountable for public moneys may intrust such moneys to other officers for the purpose of having them make disbursements as their agents, and the officers to whom the moneys are intrusted, as well as the officers who intrust it to them, shall be held pecuniarily responsible therefor to the United States. *Act of May 12, 1917 (40 Stat. 50).*

501a. *Chief to be Quartermaster General.*—Hereafter the title of the Chief of the Quartermaster Corps shall be Quartermaster General of the Army. *Act of Apr. 27, 1914 (38 Stat. 356).*

506a. *Enlisted men, composition of.*—The enlisted force of the Quartermaster Corps shall consist of not to exceed fifteen master electricians, three hundred and eighty sergeants (first class), one thousand two hundred and forty sergeants, six hundred corporals, two thousand nine hundred and twenty privates (first class), seven hundred and fifty privates, and ninety-five cooks, all of whom shall receive the same pay and allowances as enlisted men of corresponding grades in the Signal Corps of the Army, and shall be assigned to such duties pertaining to the Quartermaster Corps as the Secretary of War may prescribe. *Act of Mar. 4, 1915 (38 Stat. 1066).*

506b. *Enlisted strength, composition of.*—The total enlisted strength of the Quartermaster Corps and the number in each grade shall be limited and fixed from time to time by the President in accordance with the needs of the Army, and shall consist of quartermaster sergeants, senior grade; quartermaster sergeants; sergeants, first class; sergeants; corporals; cooks; privates, first class; and privates. The number in the various grades shall not exceed the following percentages of the total authorized enlisted strength of the Quartermaster Corps, namely: Quartermaster sergeants, senior grade, five-tenths of one per centum; quartermaster sergeants, six per centum; sergeants, first class, two and five-tenths per centum; sergeants, twenty-five per centum; corporals, ten per centum; privates, first class, forty-five per centum; privates, nine per centum; cooks, two per centum. *Sec. 9, act of June 3, 1916 (39 Stat. 170).*

(See paragraph 496a for the preceding provision and paragraphs 514b and 515a for the ensuing provisions of this section.)

506c. *Enlistment of cook instructors with grade of sergeants, first-class, Quartermaster Corps.*—The Secretary of War is authorized to enlist twelve hundred competent cooks as sergeants, first-class. Quar-

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vacancies are required to be filled according to the general rule of seniority prescribed in sec. 1 of the act of Oct. 1, 1890 (26 Stat. 563). (War Dept. Bull. 18, Aug. 18, 1916.)

termaster Corps, for the duration of the war only, to be trained as cook instructors and to be employed as such. *Act of June 15, 1917 (40 Stat. 188).*

513a. *Grade of military storekeepeer revived for appointment of Charles P. Daly.*—The President of the United States, in his discretion be, and he is hereby, authorized to appoint Charles P. Daly, chief clerk, office of the Quartermaster Corps, United States Army, a military storekeeper in the Quartermaster Corps, United States Army, with the rank, pay, and allowances of a captain, mounted; and the grade of military storekeeper is hereby revived in the Army of the United States for this purpose only. *Act of Aug. 29, 1916 (39 Stat. 626.)*

514a. *Appointment of quartermaster sergeants in Quartermaster Corps.*—Hereafter the Secretary of War is authorized to appoint such number of quartermaster sergeants, Quartermaster Corps, not to exceed the number provided for by law, as he may deem necessary for the interest of the service, said quartermaster sergeants to be selected from the most competent noncommissioned officers of the Army, who shall have served therein at least five years, three years of such service having been rendered as noncommissioned officers, and whose character and education shall fit them to take charge of public property and to act as clerks and assistants to the proper officers of the Army in charge of public property.[1] *Act of Mar. 4, 1915 (38 Stat. 1066.)*

514b. *Master electricians hereafter to be known as quartermaster sergeants, senior grade.*—The master electricians now authorized by law for the Quartermaster Corps shall hereafter be known as quartermaster sergeants, senior grade, and shall be included in the number of quartermaster sergeants, senior grade, herein authorized. *Sec. 9, Act of June 3, 1916 (39 Stat. 170).*

(See paragraph 506b for the provision of this section immediately preceding this paragraph.)

515a. *Duties of officers include construction and repair work.*—All work pertaining to construction and repair that has heretofore been done by or under the direction of officers of the Quartermaster Corps shall, except as otherwise now provided by laws or regulations, hereafter be done by or under the direction of officers of said corps. *Id. 171.*

521a. *Sale of surplus ice, electric current, etc., from Government plants where no competition.*—Whenever the ice machines, steam laundries, and electric plants shall not come in competition with

[1] For similar provision see act of Apr. 27, 1914 (39 Stat. 354).

private enterprise for sale to the public, and in the opinion of the Secretary of War it becomes necessary to the economical use and administration of such ice machines, steam laundries, and electric plants as have been or may hereafter be established in pursuance of law, surplus ice may be disposed of, laundry work may be done for other branches of the Government, and surplus electric light and power may be sold on such terms and in accordance with such regulations as may be prescribed by the Secretary of War. *Act of Aug. 29, 1916 (39 Stat. 631).*

(For similar provisions see act of May 12, 1917, 40 Stat. 52.)

521b. *Same—Disposition of proceeds of such sales.*—The funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants, and the sales and expenditures herein provided for shall be accounted for in accordance with the methods prescribed by law, and any sums remaining after such cost of maintenance and operation have been defrayed shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid. *Id., 632.*

(For similar provision see act of May 12, 1917, 40 Stat. 52.)

525a. *Provision giving preference to transportation of troops and material of war amended so as to require prompt delivery in time of peace without regard to any embargo which may have been declared.*—Section six of an Act entitled "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, as amended March second, eighteen hundred and eighty-nine, and June twenty-ninth, nineteen hundred and six, which reads:

"That in time of war or threatened war preference and precedence shall, upon demand of the President of the United States, be given over all other traffic for the transportation of troops and material of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic," be amended to read as follows:

"That in time of war or threatened war preference and precedence shall, upon demand of the President of the United States, be given over all other traffic for the transportation of troops and material of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic. And in time of peace shipments consigned to agents of the United States for its use shall be delivered by the carriers as promptly as possible and without regard to any embargo that may have been declared, and no such embargo shall apply to shipments so consigned." *Id., 604.*

TRANSPORTATION IN TIME OF WAR.

525b. *In time of war possession and control may be taken of transportation systems.*—The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same, to the exclusion as far as may be necessary of all other traffic thereon, for the transfer or transportation of troops, war material and equipment, or for such other purposes connected with the emergency as may be needful or desirable. *Id., 645.*

525c. *Obstructing or retarding, etc., orderly conduct or movement of interstate or foreign commerce, or orderly movement of trains, etc., engaged therein, punishment; employment of armed forces.*—On and after the approval of this Act any person or persons who shall, during the war in which the United States is now engaged, knowingly and willfully, by physical force or intimidation by threats of physical force obstruct or retard, or aid in obstructing or retarding, the orderly conduct or movement in the United States of interstate or foreign commerce, or the orderly make-up or movement or disposition of any train, or the movement or disposition of any locomotive, car, or other vehicle on any railroad or elsewhere in the United States engaged in interstate or foreign commerce shall be deemed guilty of a misdemeanor, and for every such offense shall be punishable by a fine of not exceeding $100 or by imprisonment for not exceeding six months, or by both such fine and imprisonment; and the President of the United States is hereby authorized, whenever in his judgment the public interest requires, to employ the armed forces of the United States to prevent any such obstruction or retardation of the passage of the mail, or of the orderly conduct or movement of interstate or foreign commerce in any part of the United States, or of any train, locomotive, car, or other vehicle upon any railroad or elsewhere in the United States engaged in interstate or foreign commerce. *Act of Aug. 10, 1917 (40 Stat. 272), amending Sec. 1, Act of Feb. 4, 1887, as amended by Act of June 29, 1906 (34 Stat. 589), and Act of Aug. 29, 1916 (39 Stat. 631).*

525d. *Provisions relative to decrees of antitrust violations, labor disputes, etc., not repealed.*—Nothing in this section shall be construed to repeal, modify, or affect either section six or section twenty of an Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October fifteenth, nineteen hundred and fourteen.[1] *Act of Aug. 10, 1917 (40 Stat. 272).*

525e. *Preference or priority of transportation of commodities essential to national defense.*—During the continuance of the war in

[1] 38 Stat., 731, 738.

which the United States is now engaged the President is authorized, if he finds it necessary for the national defense and security, to direct that such traffic or such shipments of commodities as, in his judgment, may be essential to the national defense and security shall have preference or priority in transportation by any common carrier by railroad, water, or otherwise. *Id.*

525f. *Same—Directions for.*—He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose he is hereby authorized to issue orders direct, or through such person or persons as he may designate for the purpose or through the Interstate Commerce Commission. Officials of the United States, when so designated, shall receive no compensation for their services rendered hereunder. *Id.*

525g. *Same—Offices for persons designated, compensation, etc.*—Persons not in the employ of the United States so designated shall receive such compensation as the President may fix. Suitable offices may be rented and all necessary expenses, including compensation of persons so designated shall be paid as directed by the President out of funds which may have been or may be provided to meet expenditures for the national security and defense. *Id.*

525h. *Maintenance of agencies at Washington by common carriers.*—The common carriers subject to the Act to regulate commerce or as many of them as desire so to do are hereby authorized without responsibility or liability on the part of the United States, financial or otherwise, to establish and maintain in the city of Washington during the period of the war an agency empowered by such carriers as join in the arrangement to receive on behalf of them all notice and service of such orders and directions as may be issued in accordance with this Act, and service upon such agency shall be good service as to all the carriers joining in the establishment thereof. *Id.* 273.

525i. *Duties of common carriers, punishment for failure to perform.*—And it shall be the duty of any and all the officers, agents, or employees of such carriers by railroad or water or otherwise to obey strictly and conform promptly to such orders, and failure knowingly and willfully to comply therewith, or to do or perform whatever is necessary to the prompt execution of such order, shall render such officers, agents, or employees guilty of a misdemeanor, and any such officer, agent, or employee shall, upon conviction, be fined not more than $5,000, or imprisoned not more than one year, or both, in the discretion of the court. *Id.*

525j. *Rates for transportation of persons and property to be just and reasonable, etc.*—For the transportation of persons or property in carrying out the orders and directions of the President, just and reasonable rates shall be fixed by the Interstate Commerce Commission; and if the transportation be for the Government of the

United States, it shall be paid for currently or monthly by the Secretary of the Treasury out of any funds not otherwise appropriated. *Id.*

525k. *Exemption from preferential or priority provisions in existing law.*—Any carrier complying with any such order or direction for preference or priority herein authorized shall be exempt from any and all provisions in existing law imposing civil or criminal pains, penalties, obligations, or liabilities upon carriers by reason of giving preference or priority in compliance with such order or direction. *Id.*

534a. *Transfer of vessels, equipment, stations, and personnel of Lighthouse Service to War Department in time of national emergency.*—The President is hereby authorized, whenever in his judgment a sufficient national emergency exists, to transfer to the service and jurisdiction of the Navy Department, or of the War Department, such vessels, equipment, stations, and personnel [1] of the Lighthouse Service as he may deem to the best interests of the country, and after such transfer all expenses connected therewith shall be defrayed out of the appropriations for the department to which transfer is made. *Act of Aug. 29, 1916 (39 Stat. 602).*

534b. *Same—Return of to Lighthouse Service when emergency ceases.*—Such vessels, equipment, stations, and personnel shall be returned to the Lighthouse Service when such national emergency ceases in the opinion of the President, and nothing in this Act shall be construed as transferring the Lighthouse Service or any of its functions from the Department of Commerce except in time of national emergency and to the extent herein provided. *Id.*

534c. *Same—Personnel while under jurisdiction of War Department subject to Articles of War.*—Any of the personnel of the Lighthouse Service who may be transferred as herein provided shall, while under the jurisdiction of the Navy Department or War Department, be subject to the laws, regulations, and orders for the government of the Navy or Army, as the case may be, in so far as the same may be applicable to persons whose retention permanently in the military service of the United States is not contemplated by law. *Id.*

534d. *Same—Secretaries of War, Navy, and Commerce to prescribe regulations governing duties of Lighthouse Service in time of war.*—The Secretary of the Navy, the Secretary of War, and the

[1] In case of a transfer of the Lighthouse Service to the War Department in time of national emergency, as provided by the act of Aug. 29, 1916 (39 Stat., 602),

Held, that such employees will retain their civilian status and that the employees' compensation act of Sept. 17, 1916 (39 Stat., 742), will be applicable to them in case of their injury or death in line of duty; and further, that in case of their capture by the enemy, the principles of international law relating to prisoners of war no doubt will apply. (War Dept. Bull. 18, Apr. 6, 1917.)

Secretary of Commerce shall jointly prescribe regulations governing the duties to be performed by the Lighthouse Service in time of war, and for the cooperation of that service with the Navy and War Departments in time of peace in preparation for its duties in war, and this may include arrangements for a direct line of communication between the officers or bureaus of the Navy and War Departments and the Bureau of Lighthouses to provide for immediate action on all communications from these departments. *Id.*

534e. *Shipping Board to have constructed or purchase, lease, or charter vessels suitable for use as Army transports or for other military purposes, etc.*—The board, with the approval of the President, is authorized to have constructed and equipped in American shipyards and navy yards or elsewhere, giving preference, other things being equal, to domestic yards, or to purchase, lease, or charter, vessels suitable, as far as the commercial requirements of the marine trade of the United States may permit, for use as naval auxilliaries or Army transports, or for other naval or military purposes, and to make necessary repairs on and alterations of such vessels. *Sec. 5, act of Sept. 7, 1916 (39 Stat. 730).*

534f. *Vessels of War Department not needed for military purposes in time of peace may be transferred to the board permanently or for limited periods.*—The President may transfer either permanently or for limited periods to the board such vessels belonging to the War or Navy Department as are suitable for commercial uses and not required for military or naval use in time of peace, and cause to be transferred to the board vessels owned by the Panama Railroad Company and not required in its business. *Sec. 6, Id.*

534g. *Cost of ships turned over to Army excepted from appropriation for ships which is to be reimbursed cost of same.*—The cost of purchasing, requisitioning, or otherwise acquiring plants, material, charters, or ships now constructed or in the course of construction and the expediting of construction of ships thus under construction shall not exceed the sum of $250,000,000, exclusive of the cost of ships turned over to the Army and Navy, the expenditure of which is hereby authorized, and in executing the authority granted by this Act for such purpose the President shall not expend or obligate the United States to expend more than the said sum; and there is hereby appropriated for said purpose, $150,000,000: *Provided*, That this appropriation shall be reimbursed from available funds under the War and Navy Departments for vessels turned over for the exclusive use of those departments or either of them. *Act of June 15, 1917 (40 Stat. 1[illegible]).*

COAST AND GEODETIC SURVEY.

534h. *Transfer of vessels, equipment, stations, and personnel of to War Department, etc., in time of national emergency.*—The President

is hereby authorized, whenever in his judgment a sufficient national emergency exists, to transfer to the service and jurisdiction of the War Department, or of the Navy Department, such vessels, equipment, stations, and personnel of the Coast and Geodetic Survey as he may deem to the best interest of the country, and after such transfer all expenses connected therewith shall be defrayed out of the appropriations for the department to which transfer is made. *Sec. 16, Act of May 22, 1917 (40 Stat. 87).*

534i. *Same—Return of when emergency ceases.*—Such vessels, equipment, stations, and personnel shall be returned to the Coast and Geodetic Survey when such national emergency ceases, in the opinion of the President, and nothing in this Act shall be construed as transferring the Coast and Geodetic Survey or any of its functions from the Department of Commerce except in time of national emergency and to the extent herein provided. *Id.*

534j. *Same—Personnel subject to Articles of War, etc., while under jurisdiction of War Department.*—Any of the personnel of the Coast and Geodetic Survey who may be transferred as herein provided shall, while under the jurisdiction of the War Department or Navy Department, have proper military status and shall be subject to the laws, regulations, and orders for the government of the Army or Navy, as the case may be, in so far as the same may be applicable to persons whose retention permanently in the military service of the United States is not contemplated by law. *Id., 88.*

534k. *Pay and allowances not to be reduced by transfer; pension for disabilities incurred while under jurisdiction of War Department.*—Nothing in this Act shall reduce the total amount of pay and allowances they were receiving at the time of transfer. While actually employed in active service under direct orders of the War Department or of the Navy Department members of the Coast and Geodetic Survey shall receive the benefit of all provisions of laws relating to disability incurred in line of duty or loss of life. *Id.*

(See paragraph 534o, post.)

534l. *Same—Examinations for appointment and promotion.*—No person shall be appointed aid or shall be promoted from aid to junior hydrographic and geodetic engineer or from junior hydrographic and geodetic engineer to hydrographic and geodetic engineer until after passing a satisfactory mental and physical examination conducted in accordance with regulations prescribed by the Secretary of Commerce, except that the President is authorized to nominate for confirmation the assistants and aids in the service on the date of the passage of this Act. *Id.*

534m. *Field officers, designation, appointment, and pay.*—The President is authorized to appoint, by and with the advice and consent of the Senate, the field officers of the Coast and Geodetic

Survey, who are now officially designated assistants and aids, as follows: Officers now designated assistants and receiving a salary of $2,000 or more per annum shall be appointed hydrographic and geodetic engineers; officers now designated assistants and receiving a salary of $1,200 or greater but less than $2,000 per annum shall be appointed junior hydrographic and geodetic engineers; officers now designated aids shall be appointed aids. *Id.*

534n. *Relative rank while serving with Army, etc.*—When serving with the Army or Navy the relative rank shall be as follows:

Hydrographic and geodetic engineers receiving $4,000 or more shall rank with and after colonels in the Army and captains in the Navy.

Hydrographic and geodetic engineers receiving $3,000 or more but less than $4,000 shall rank with and after lieutenant colonels in the Army and commanders in the Navy.

Hydrographic and geodetic engineers receiving $2,500 or more but less than $3,000 shall rank with and after majors in the Army and lieutenant commanders in the Navy.

Hydrographic and geodetic engineers receiving $2,000 or more but less than $2,500 shall rank with and after captains in the Army and lieutenants in the Navy.

Junior hydrographic and geodetic engineers shall rank with and after first lieutenants in the Army and lieutenants (junior grade) in the Navy.

Aids shall rank with and after second lieutenants in the Army and ensigns in the Navy. *Id.*

534o. *Rates of pay for nonmilitary duty not affected.*—Nothing in this Act shall be construed to affect or alter their rates of pay and allowances when not assigned to military duty as hereinbefore mentioned. *Id.*

(See Paragraph 534k, ante.)

534p. *Secretaries of War, Navy, and Commerce to prescribe regulations governing duties of in time of war.*—The Secretary of War, the Secretary of the Navy, and the Secretary of Commerce shall jointly prescribe regulations governing the duties to be performed by the Coast and Geodetic Survey in time of war, and for the cooperation of that service with the War and Navy Departments in time of peace in preparations for its duties in war, which regulations shall not be effective unless approved by each of the said Secretaries, and included therein may be rules and regulations for making reports and communications between the officers or bureaus of the War and Navy Departments and the Coast and Geodetic Survey. *Id.*

534q. *Status and rights of officers of Public Health Service when serving with Coast Guard, Army, or Navy.*—When officers of the

United States Public Health Service are serving on Coast Guard vessels in time of war, or are detailed in time of war for duty with the Army or Navy in accordance with law, they shall be entitled to pensions for themselves and widows and children, if any, as are now provided for officers of corresponding grade and length of service of the Coast Guard, Army or Navy, as the case may be, and shall be subject to the laws prescribed for the government of the service to which they are respectively detailed. *Joint Res. of July 9, 1917 (40 Stat. 242).*

538a. *Sale of horses and mules not required for Regular Army or National Guard.*—The Secretary of War is hereby authorized upon the approval of this Act to sell for cash at either public or private sale such horses and mules as are not needed for either the Regular Army or the National Guard and the proceeds shall be turned into the United States Treasury as miscellaneous receipts. *Act of May 12, 1917 (40 Stat. 55).*

546a. *Limit of expenditures on buildings, military posts, etc.*—Hereafter no expenditure exceeding $5,000 shall be made upon any building or military post or grounds about the same without the approval of the Secretary of War, upon detailed estimates submitted to him. *Act of May 12, 1917 (40 Stat. 74).*

547a. *Limit of cost of barracks and quarters.*—Hereafter no money appropriated for military posts shall be expended for the construction of quarters for officers of the army or for barracks and quarters for the artillery the total cost of which, including the heating and plumbing apparatus, wiring, and fixtures, shall exceed, in the case of quarters of a general officer, the sum of fifteen thousand dollars; of a colonel or an officer above the rank of captain, twelve thousand dollars, and of an officer of and below the rank of captain, nine thousand dollars. *Sec. 1, act of June 25, 1910 (36 Stat. 721).*

547b. *Hospital buildings, limit of cost for erection of unless authorized by Congress.*—No building or structure of a permanent nature, the cost of which shall exceed $30,000, shall hereafter be erected for use as an Army hospital unless by special authority of Congress. *Act of May 12, 1917 (40 Stat. 58).*

547c. *Barracks and quarters; land for cantonments, camp sites, etc.*—* * * For grounds for cantonments, camp sites, and other military purposes, and for buildings or portions of buildings for occupation by troops, for use as stables, storehouses, and offices, and for other military purposes; * * *. *Act of Oct. 6, 1917 (40 Stat. 363).*

(The language here used, which authorizes the *purchase* instead of the *leasing* of land for cantonments, camp sites, etc., first occurred in the act of May 12, 1917 (40 Stat., 56).

553a. *Annual estimates for establishment and maintenance of rifle ranges.*—The Secretary of War shall annually submit to Congress

recommendations and estimates for the establishment and maintenance of indoor and outdoor rifle ranges, under such a comprehensive plan as will ultimately result in providing adequate facilities for rifle practice in all sections of the country. *Sec. 113, Act of June 3, 1916 (39 Stat. 211).*

553b. *Same—Established ranges to be open for use of any branch of military or naval service, and for civilians.*—And that all ranges so established and all ranges which may have already been constructed, in whole or in part, with funds provided by Congress shall be open for use by those in any branch of the military or naval service of the United States and by all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the controlling authorities and approved by the Secretary of War. *Id.*

553c. *Same—Detail of officers and noncommissioned officers of Regular Army as instructors at, and issue of arms and ammunition for use of.*—The President may detail capable officers and noncommissioned officers of the Regular Army and National Guard to duty at such ranges as instructors for the purpose of training the citizenry in the use of the military arm. Where rifle ranges shall have been so established and instructors assigned to duty thereat, the Secretary of War shall be authorized to provide for the issue of a reasonable number of standard military rifles and such quantities of ammunition as may be available for use in conducting such rifle practice. *Id.*

553d. *Annual trophy, medals, and prizes, regulations for to be prescribed by Secretary of War.*—For the purpose of furnishing a national trophy and medal and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, and contests to be open to the Army, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia, and for the cost of the trophy, prizes, and medals herein provided for, the sum of two thousand five hundred dollars be, and the same is hereby, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be expended for the purposes hereinbefore prescribed under the direction of the Secretary of War. *Act of Mar. 2, 1903 (32 Stat. 941).*

563a. *Extra-duty pay, United States disciplinary barracks guard, rates.*—Hereafter the extra-duty pay to the United States disciplinary barracks guard shall be at the following rates per day: Sergeants, thirty-five cents; corporals, thirty cents; and privates, twenty cents. *Act of Aug. 29, 1916 (39 Stat. 632).*

563b. *Extra-duty pay for mess stewards and cooks at recruit depots.*—Extra-duty pay at rates to be fixed by the Secretary of War for mess stewards and cooks at recruit depots who are graduates of

the schools for bakers and cooks, and instructor cooks at the schools for bakers and cooks. *Id.*

(The act of May 12, 1917 (40 Stat., 52), contains a provision identical with above.)

563c. *Extra-duty pay, United States disciplinary barracks guard, rates.*—Hereafter the extra-duty pay to the United States disciplinary barracks guard shall be at the following rates per day: Battalion sergeants major, first sergeants, mess sergeants, supply sergeants, and sergeants, 35 cents; corporals, 30 cents; cooks and mechanics, privates first class, privates, and buglers, 20 cents. *Act of May 12, 1917 (40 Stat. 52).*

(See also paragraphs 563a, ante.)

570a. *Civilian employees, restrictions on employment.*—The number of and total sum paid for civilian employees in the Quartermaster Corps shall be limited to the actual requirements of the service, and that no employee therein shall receive a salary of more than $150 per month, except upon the approval of the Secretary of War. *Id., 636.*

(For similar provision see act of May 12, 1917 (40 Stat. 56).

578a. *Proceeds from sale of cuttings of material for clothing, disposition of.*—Hereafter the proceeds derived from the sale of surplus cuttings of material for clothing manufactured by the Quartermaster Corps of the Army shall be deposited to the credit of that appropriation out of which the material was purchased. *Id. 635.*

588a. *Quartermaster property, articles of, may be sold to officers of Navy and Marine Corps.*—Articles of serviceable quartermaster property may be sold by the Quartermaster General of the Army to officers of the Navy and Marine Corps, for their use in the public service, in the same manner as these articles are now sold to officers of the Army. *Act of Mar. 4, 1915 (38 Stat. 1079).*

588b. *Sale of subsistence stores to officers and enlisted men of Navy and Marine Corps.*—Hereafter the officers and enlisted men of the Navy and the Marine Corps shall be permitted to purchase subsistence supplies at the same price as is charged the officers and the enlisted men of the Army; and the officers and the enlisted men of the Army shall be permitted to purchase subsistence supplies from the Navy and Marine Corps at the same price as is charged the officers and the enlisted men of the Navy and Marine Corps. *Act of Aug. 29, 1616 (39 Stat. 630).*

611a. *Commutation of rations for enlisted men of Army and Militia at national rifle match.*—The sum of $12,000 is authorized to be expended for supplying meals or furnishing commutation of rations to enlisted men of the Regular Army and the Organized

Militia who may be competitors in the national rifle match: *Provided further*, That no competitor shall be entitled to commutation of rations in excess of $1.50 per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress shall be incurred. *Act of Mar. 4, 1915* (*38 Stat. 1012*).

611b. *Commutation of rations for cadets, enlisted men, members of Nurse Corps, etc., rates of.*—For payments: Of commutation of rations to the cadets of the United States Military Academy in lieu of the regular established ration, at the rate of 40 cents per ration; of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, enlisted men and male and female nurses when stationed at places where rations in kind can not be economically issued, and when traveling on detached duty where it is impracticable to carry rations of any kind, enlisted men selected to contest for places or prizes in departments and Army rifle competitions while traveling to and from places of contest, male and female nurses on leaves of absence, applicants for enlistment, and general prisoners while traveling under orders; of commutation of rations in lieu of the regular established ration for members of the Nurse Corps (female) while on duty in hospital, 40 cents per ration, and for enlisted men, applicants for enlistment while held under observation, and general prisoners sick therein, at the rate of 30 cents per ration (except that at the general hospital at Fort Bayard, New Mexico, 50 cents per ration and at other general hospitals 40 cents per ration are authorized for enlisted patients therein), to be paid to the surgeon in charge. *Act of Aug. 29, 1916* (*39 Stat. 630*).

611c. *Same—Including Regular Army Reserve and retired enlisted men when ordered to active duty.*—Commutation of rations to the cadets of the United States Military Academy in lieu of the regular established ration, at the rate of 40 cents per ration; of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, enlisted men and male and female nurses when stationed at places where rations in kind can not be economically issued, including enlisted men of the Regular Army Reserve and retired enlisted men when ordered to active duty, and when traveling on detached duty where it is impracticable to carry rations of any kind, enlisted men selected to contest for places or prizes in departments and Army rifle competitions while traveling to and from places of contest, male and female nurses on leaves of absence, applications for enlistment, and general prisoners while traveling under orders; of commutation of rations in lieu of the regular established ration for members of the Nurse Corps (female) while on duty in hospital, at 40 cents per ration, and for enlisted men, applicants for enlistment while held

under observation, and general prisoners sick therein, at the rate of 40 cents per ration (except that at the general hospital at Fort Bayard, New Mexico, 50 cents per ration and at other general hospitals 40 cents per ration are authorized for enlisted patients therein), to be paid to the surgeon in charge.[1] *Act of May 12, 1917 (40 Stat. 50).*

616a. *Funds appropriated for support of Army available for purchase of reserve supplies.*—Hereafter funds appropriated for support of the Army may be used for the procurement of supplies to be held in store for issue to the Army during subsequent fiscal years. *Act of Mar. 4, 1915 (38 Stat. 1078).*

632a. *Appointment of Army pay clerk with certain service as first lieutenant, Quartermaster Corps.*—The President is authorized to appoint, and, by and with the advice and consent of the Senate, to commission to the grade of first lieutenant in the Quartermaster Corps, United States Army, a pay clerk of over thirty-one years' service, now in active service, and who has been recommended by the then Secretary of War for such appointment. *Act of Aug. 29, 1916 (39 Stat. 644).*

633a. *Certain clerks to be known as field clerks, Quartermaster Corps, to receive allowances of pay clerks, and to be subject to the Articles of War.*—Hereafter not to exceed two hundred clerks, Quartermaster Corps, who shall have had twelve years of service, at least three years of which shall have been on detached duty away from permanent stations, or on duty beyond the continental limits of the United States, or both, shall be known as field clerks, Quartermaster Corps,[2] and shall receive the same allowances, except retirement, as

[1] Under the provisions of the Army appropriation act of May 12, 1917 (40 Stat. 50), it is proper for the camp quartermaster at a National Guard camp to pay to the surgeon of the base hospital commutation of rations for nurses, male and female, stationed at such hospital at a rate of 40 cents per ration when it appears that rations in kind can not be as economically issued. (Dig. Opin. J. A. G., February, 1918.)

[2] Upon inquiry (*a*) whether Army field clerks and field clerks, Quartermaster Corps, are exempt from militia duty, and (*b*) whether their enlistment in the National Guard is prohibited—

Held, as to (*a*), that since Army field clerks and field clerks, Quartermaster Corps, now occupy a status in the military service of the United States, they come within the provisions of section 59 of the national defense act which exempts "persons in the military and naval service of the United States" from militia duty, and therefore are exempted from such duty.

Held, as to (*b*), that the National Guard is plainly designed by the national defense act to be an effective force and to supplement the permanent military forces of the Nation, and that it is plainly the intent of the law governing its organization that its members shall be available for any service which it may be called upon to perform, and not be prevented from performing such duty by any paramount obligation in the permanent military force. This intent is clearly indicated by the exemption of persons in the military and naval service of the United States from militia duty, above cited. That special authority of law is necessary to justify the occupancy of status in both the Regular Army and the National Guard by the same person is indicated by the authority expressly conferred by section 100 of the national defense act for officers of

heretofore allowed by law to pay clerks, Quartermaster Corps, and shall be subject to the rules and articles of war. *Id. 625.*

651a. *Allowance of fuel, quarters, and forage.*—Fuel, quarters, and forage may be furnished in kind to officers by the Quartermaster's Department according to law and regulations: (*Provided, however,* That when forage in kind can not be furnished by the proper departments, then and in all such cases officers entitled to forage may commute the same according to existing regulations: *Provided further,* That officers of the Army and of Volunteers assigned to duty which requires them to be mounted shall, during the time they are employed on such duty, receive the pay, emoluments, and allowances of Cavalry officers of the same grade, respectively.) *Sec. 1270, R. S.*

668a. *Commutation of quarters to officers, etc., where no public quarters are available.*—Hereafter, at places where there are no public quarters available, commutation for the authorized allowance therefor shall be paid to commissioned officers, acting dental surgeons, veterinarians, members of the Nurse Corps, and pay clerks at the rate of $12 per room per month; and, when specifically authorized by the Secretary of War, to enlisted men at the rate of $15 per month, or in lieu thereof he may, in his discretion, rent quarters for the use of said enlisted men when so on duty. *Act of March 4, 1915 (38 Stat. 1069).*

668b. *Same—Secretary of War may determine when and where public quarters are not available.*—Hereafter the Secretary of War may determine where and when there are no public quarters available within the meaning of this or any other act. *Id.*

668c. *Commutation of quarters, heat, and light for officers, etc.*—For commutation of quarters and of heat and light to commissioned officers, members of the Nurse Corps, and enlisted men on duty at places where no public quarters are available.[1] *Act of Aug. 29, 1916 (39 Stat. 628).*

671a. *Determination of travel and duty.*—The Secretary of War may determine what shall constitute travel and duty without troops within the meaning of the laws governing the payment of mileage

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[1] Regular Army to accept commissions in the National Guard with the permission of the President and terminable at his discretion. There is no such authority for any persons in the active military service of the United States, other than officers, to occupy such dual status. Therefore, the effect of the law governing the organization and maintenance of the National Guard is to confer a status in the active permanent Military Establishment incompatible with a status in the National Guard. The enlistment of Army field clerks as field clerks, Quartermaster Corps, is therefore, in effect, prohibited by law. (War Dept. Bull. 34, June 8, 1917.)

Held, that in view of the fact that the appropriation limits the payment of commutation of quarters, heat, and light to officers only when on duty at places where no public quarters are available, commutation of heat and light can not legally be paid to officers on duty in the field who are provided with tent quarters and who rent other quarters at their own expense. (War Dept. Bul. No. 47, Nov. 16, 1916.)

and commutation of quarters to officers of the Army. *Act of June 12, 1906 (34 Stat. 246).*

673a. *Officers on duty as observers with foreign armies in field, expenses of.*—The actual and necessary expenses of officers of the Army who, after July first, nineteen hundred and fourteen, have been on duty abroad for the purpose of observing operations of armies of foreign States at war, and of officers who may hereafter be on duty abroad for that purpose, shall be paid out of the appropriation for contingencies of the military information section, General Staff Corps, upon certificates of the Secretary of War that the expenditures were necessary for obtaining military information. *Act of Mar. 4, 1915 (38 Stat. 1063).*

673b. *Traveling expenses of officers and enlisted men of foreign armies attached to U. S. Army during present emergency.*—The Secretary of War is hereby authorized, under such regulations and in such manner as he may prescribe, to employ such portion of the appropriations made for transportation of the Army and its supplies as in his judgment may be necessary to defray the expenses of travel incurred by officers and enlisted men of foreign armies attached to the Army of the United States during the present emergency, and that those officers and enlisted men, who may have been performing duties in this connection, be reimbursed from this appropriation for the expenditures they have already been obliged to make. *Act of Oct. 6, 1911 (40 Stat 361).*

675a. *Mileage to engineer officers.*—In determining the mileage of officers of the Corps of Engineers traveling without troops on duty connected with works under their charge, no deductions shall be made for such travel as may be necessary on free or bond-aided or land-grant railways. *Sec. 15, Act of Sept. 19, 1890 (26 Stat. 456).*

680a. *Subsistence expenses of officials—Allowances for, outside of District of Columbia limited.*—On and after July first, nineteen hundred and fourteen, unless otherwise expressly provided by law, no officer or employee of the United States shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty outside of the District of Columbia and away from his designated post of duty, nor any sum for such expenses actually incurred in excess of $5 per day; nor shall any allowance or reimbursement for subsistence be paid to any officer or employee in any branch of the public service of the United States in the District of Columbia unless absent from his designated post of duty outside of the District of Columbia, and then only for the period of time actually engaged in the discharge of official duties. *Act of Apr. 6, 1914 (38 Stat. 318).*

688a. *Mileage to officers in Aviation Section, appropriation available for.*—Mileage to officers in the aviation section, Signal Corps,

traveling on duty in connection with aviation service shall be paid from the appropriation for the work in connection with which the travel is performed.[1] *Act of May 12, 1917 (40 Stat. 34).*

689a. *Mileage to officers of Ordnance Department, appropriation available for.*—Mileage to officers of the Ordnance Department traveling on duty in connection with that department shall be paid from the appropriation for the work in connection with which the travel is performed. *Id., 65.*

689a. *Disbursement of certain appropriations heretofore made which shall constitute one fund.*—All the money hereinbefore appropriated under the titles Subsistence of the Army, Regular Supplies—Quartermaster Corps, Incidental Expenses—Quartermaster Corps Transportation of the Army and its Supplies, Water and Sewers at Military Posts, and Clothing and Camp and Garrison Equipage shall be disbursed and accounted for by officers and agents of the Quartermaster Corps as "Supplies, Services, and Transportation, Quartermaster Corps," and for that purpose shall constitute one fund. *Act of Mar. 4, 1915 (38 Stat. 1078).*

689b. *Same.*—All the money hereinbefore appropriated under the titles Subsistence of the Army; Regular supplies, Quartermaster Corps; Incidental expenses, Quartermaster Corps; Transportation of the Army annd its supplies; Water and sewers at military posts, and Clothing and camp and garrison equipage, shall be disbursed and accounted for by officers and agents of the Quartermaster Corps as "Supplies, Services, and Transportation of Quartermaster Corps," and for that purpose shall constitute one fund. *Act of Aug. 29, 1916 (39 Stat. 636.)*

[1] For similar provisions see the acts of May 12 and October 6, 1917, 40 Stats., 35, 382.)

689c. *Disbursements to be made by the Quartermaster Corps.*—All the money hereinbefore appropriated for pay of the Army and miscellaneous, except the appropriation for mileage to commissioned officers, contract surgeons, expert accountant, Inspector General's

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[1] On the question whether the action of the Secretary of War in authorizing the Chief Signal Officer "to issue orders to officers in the aviation section, Signal Corps, under his immediate command, directing journeys on duty in connection with the aviation service of the Army," extends to officers of the aviation section, Signal Officers' Reserve Corps, under the command of the Chief Signal Officer, traveling on duty in connection with the aviation service of the Army.

Held, that the authority conferred has reference to the provisions in the Army appropriation act, approved May 12, 1917, providing: "That mileage to officers in the aviation section, Signal Corps, traveling on duty in connection with aviation service shall be paid from the appropriation for the work in connection with which the travel is performed;" and that the provision of this act was evidently intended to apply to all travel and duty in connection with the aviation service whether performed by regular or reserve officers of the aviation section, Signal Corps; and that the authority in question should be construed as extending to officers of the aviation section, Signal Officers' Reserve Corps, when traveling on duty in connection with the aviation service of the Army. (War Dept. Bull. 42, July 19, 1917.)

Department, Army field clerks, and field clerks of the Quartermaster Corps, when authorized by law, shall be disbursed and accounted for by officers of the Quartermaster Corps, as pay of the Army, and for that purpose shall constitute one fund. *Act of Oct. 6, 1917 (40 Stat. 357).*

(For similar provision see act of May 12, 1917, 40 Stats., 50.)

695a. *Pay of noncommissioned officers and enlisted men.*—Hereafter the monthly pay of enlisted men of certain grades of the Army created in this Act shall be as follows, namely: Quartermaster sergeant, senior grade, Quartermaster Corps; master hospital sergeant, Medical Department; master engineer, senior grade, Corps of Engineers; and band leader, Infantry, Cavalry, Artillery, and Corps of Engineers, $75; hospital sergeant, Medical Department; and master engineer, junior grade, Corps of Engineers, $65; sergeant, first class, Medical Department, $50; sergeant, first class, Corps of Engineers; regimental supply sergeant, Infantry, Cavalry, Field Artillery, and Corps of Engineers; battalion supply sergeant, Corps of Engineers; and assistant engineer, Coast Artillery Corps, $45; assistant band leader, Infantry, Cavalry, Artillery, and Corps of Engineers; and sergeant bugler, Infantry, Cavalry, Artillery, and Corps of Engineers, $40; musician, first class, Infantry, Cavalry, Artillery, and Corps of Engineers; supply sergeant, mess sergeant, and stable sergeant, Corps of Engineers; sergeant, Medical Department, $36; supply sergeant, Infantry, Cavalry, and Artillery; mess sergeant, Infantry, Cavalry, and Artillery; cook, Medical Department; horseshoer, Infantry, Cavalry, Artillery, Corps of Engineers, Signal Corps, and Medical Department; stable sergeant, Infantry and Cavalry; radio sergeant, Coast Artillery Corps; and musicians, second class, Infantry, Cavalry, Artillery, and Corps of Engineers, $30; musician, third class, Infantry, Cavalry, Artillery and Corps of Engineers; corporal, Medical Department, $24; saddler, Infantry, Cavalry, Field Artillery, Corps of Engineers, and Medical Department; mechanic, Infantry, Cavalry, and Field Artillery, and Medical Department; farrier, Medical Department; and wagoner, Infantry, Field Artillery, and Corps of Engineers, $21; private, first class, Infantry, Cavalry, Artillery, and Medical Department, $18; private, Medical Department, and bugler, $15.[1] *Sec. 28, Act of June 3, 1916 (39 Stat. 186).*

(See paragraph 702a for the ensuing provision of this section; see also paragraphs 697 and 698.)

695b. *Increased pay of enlisted men of Army of United States.*—Commencing June one, nineteen hundred and seventeen, and con-

[1] *Held*, that by reason of the saving clause in section 28, that "nothing herein contained shall operate to reduce the pay or allowances now authorized by law for any grade of enlisted men of the Army," privates of the Medical Department transferred to that grade from the Medical Corps by operation of section

tinuing until the termination of the emergency, all enlisted men of the Army of the United States in active service whose base pay does not exceed $21 per month shall receive an increase of $15 per month; those whose base pay is $24, an increase of $12 per month; those whose base pay is $30, $36, or $40, an increase of $8 per month; and those whose base pay is $45 or more, anl increase of $6 per month.[1] *Sec 10, Act of May 18, 1917 (40 Stat. 82).*

(For the preceding provision of this section, see paragraph 1668.)

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are entitled to be paid at the rate of $16 per month during the remainder of their current enlistment.

Held further, that the pay of men enlisting in the grade of private, Medical Department, on or after June 3, 1916, will be at the rate of $15 per month, and also that privates of other branches of the military service whose pay is $15 per month who are transferred to the grade of private, Medical Department, upon their own application or with their consent, will be paid upon the basis of the new rate of $15 per month.

Held, that the act of June 3, 1916, created the grade of mess sergeant for certain arms of the service only; that for other arms of the service mess service must be provided as heretofore by detail; that the men holding the grade of mess sergeant under the new act are entitled only to the pay established for that grade, namely, $36 or $30 per month, according to the arm of the service in which serving, and that men detailed as mess sergeants in the arms of the service for which the grade of mess sergeant is not provided are entitled to the pay of the grades actually held by them plus $6 per month, as provided by the act of May 11, 1908; and further, in answer to specific questions,

Held, That—

(*a*) The base or initial pay of the grade of mess sergeant, Corps of Engineers, is $36 per month, and no more.

(*b*) The base or initial pay of the grade of mess sergeant in the Infantry, Cavalry, and Artillery is $30 per month, and no more.

(*c*) The continuous-service pay of persons appointed to the grade of mess sergeant should be computed on the basis of the rates mentioned in the answers to questions (*a*) and (*b*).

(*d*) The arms of the service for which the act of June 3, 1916, makes provision for mess sergeants are not entitled to have additional mess sergeants assigned or detailed thereto. Such provision is complete as to such organizations. (Comptroller W. W. Warwick, June 30, 1916.) (War Dept. Bull. 18, July 8, 1916.)

The question was presented whether in the case of enlisted men the 20 per cent increase for foreign service provided for by the act of June 30, 1902 (32 Stat., 512), is to be computed on the monthly increase of pay authorized by the act of May 18, 1917. The act of 1902 authorizes the payment to enlisted men of 20 per cent increase for foreign service, such increase to be "over and above the rates of pay proper as fixed by law for *time of peace*"; and the act of May 18, 1917, provides that the monthly increases therein authorized are to continue *only until the termination of the emergency.*

Held, that as the rates of pay "as fixed by law for time of peace" do not include monthly increases provided for by the act of May 18, 1917, which are war increases, such monthly increases can not enter into the computation of the 20 per cent increase provided for foreign service. (Comp. Treas., May 29, 1917; War Dept. Bull. 42, July 19, 1917.)

Certain enlisted men of the District of Columbia National Guard, not in the Federal service, were engaged in outdoor rifle practice under competent orders during the month of June, 1917.

Held, that they were entitled for such service to the increased rates of pay provided for by section 10 of the act of May 18, 1917. (Comp. Treas., Aug. 3, 1917; War. Dept. Bull. 54, Sept. 26, 1917.)

Enlisted men of the Philippine Scouts are not entitled to the increases of pay authorized by section 10 of the selective draft act of May 18, 1917. Their rates of pay are fixed by the Secretary of War under authority of section 36, act of February 2, 1901 (31 Stat., 757). (War Dept. Bull. 75, Dec. 31, 1917.)

695c. *Same—Not applicable to continuous-service pay.*—The increases of pay herein authorized shall not enter into the computation of the continuous-service pay. *Id.*

699a. *Rates of additional pay for qualifying in marksmenship, etc.*—Hereafter enlisted men now qualified or hereafter qualifying as marksmen shall receive $2 per month; as sharpshooters, $3 per month; as expert riflemen, $5 per month; as second-class gunners, $2 per month; as first-class gunners, $3 per month; as expert first-class gunners, Field Artillery, $5 per month; as gun pointers, gun commanders, observers second-class, chief planters, and chief loaders, $7 per month; as plotters, observers first-class, casemate electricians, and coxswains, $9 per month, all in addition to their pay, under such regulations as the Secrtary of War may prescribe, but no man shall receive at the same time additional pay for more than one of the classifications named in this section.[1] *Act of May 12, 1917 (40 Stat. 45).*

701a. *Enlisted men prohibited from civil employment.*—Hereafter no enlisted man in the active service of the United States in the Army, Navy, and Marine Corps, respectively, whether a noncommissioned officer, musician, or private, shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life, for emolument, hire, or otherwise, when the same shall interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, or professions.[2] *Sec. 35, Act of June 3, 1916 (39 Stat. 188).*

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[1] An expert rifleman transferred for the convenience of the Government to the United States war prison barracks, Fort Oglethorpe, Ga., as prison guard loses his right to receive the extra pay of an expert rifleman. Paragraph 1345 of the Army Regulations, allowing extra pay for one year from the date of qualification as expert rifleman, sharpshooter, or marksman, is subject to the proviso that the soldier so qualified continues to be a member of an organization armed with a rifle. (Dig. Opin. J. A. G., March, 1918.)

A soldier transferred from the Field Artillery to the training cadre does not lose his right to additional pay as gunner under Army Regulations 1344 if he is assigned to a cadre force which is transferred to a Field Artillery regiment for service. If, however, the cadre force is transferred to some other branch of the service, ther ight to additional pay as gunner in the Field Artillery is lost. (Id.)

[2] *Held*, that while an enlisted man on leave of absence or ordinary furlough is unquestionably to be deemed in active service within the meaning of this term as used in the statute mentioned, it would go beyond the primary purpose of the law to apply it to a case like this where the furlough has been granted to an enlisted man under authority of regulations to extend to the date of his retirement, it not being within the contemplation of the authorities granting the furlough that he will ever resume active duty, and that, therefore, in such cases the soldier may accept employment or engage in business without reference to the provisions of section 35 of the national defense act. (War Dept. Bull. 3, Jan. 19, 1917.)

By the act of May 11, 1908 (35 Stat., 110), and the act of June 3, 1916 (39 Stat., 175), enlisted men, Army bands, and members thereof are forbidden from engaging in any competitive civilian employment. The implication is that they may engage in such employment if it does not interfere withthe customary and regular engagement of local civilians in the respective arts, trades, or profes-

702a. *Act not to be construed as reducing pay or allowances of any enlisted man.*—Nothing herein contained shall operate to reduce the pay or allowances now authorized by law for any grade of enlisted men of the Army.[1] *Sec. 28, Id., 187.*

(For preceding provision of this section see paragraph 695a.)

704a. *Detail of enlisted men for recruiting duty.*—The Secretary of War is authorized to detach from the Army at large such number of enlisted men as may be necessary to perform duty at the various recruiting stations, and while performing such duty one member of each party shall have the rank, pay, and allowances of sergeant and one the rank, pay, and allowances of corporal of the arm of the service to which they respectively belong. *Sec. 31, Act of Feb. 2, 1901 (31 Stat. 756).*

704b. *Temporary sergeants and corporals at recruiting depots.*—Hereafter the Secretary of War may authorize the temporary appointment of such number of sergeants and corporals in the companies at the general recruiting depots as may be necessary for the proper control and instruction of the varying number of recruits attached to such companies. *Act of Mar. 3, 1909 (35 Stat. 741).*

704c. *One enlisted man at each recruit depot to have rank, pay, and allowances of a regimental sergeant major.*—Hereafter one of the enlisted men detached from the Army at large for duty at each of the recruit depots under the provisions of the Act of June twelfth, nineteen hundred and six, shall, while so detached, have the rank, pay, and allowances of a regimental sergeant major. *Act of Aug. 29, 1916 (39 Stat. 624).*

711a. *Allotments of pay by officers, enlisted men, and certain civilian employees.*—The Secretary of War is hereby authorized to permit, under such regulations as he may prescribe, any officer or enlisted man on the active list of the Army, any retired officer or en-

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alone. Whether such interference will or does result is a question of fact, which is not to be settled by reference either to union labor alone or to nonunion labor alone. (War Dept. Bull. 67, Nov. 30, 1917.)

The right of a member of an Army band to play for pay outside the limits of a military reservation is regulated by Army Regulations 261. Under this regulation there is no prohibition upon an enlisted man's engaging in a business of a civil character when by so doing he does not interfere with the customary employment of local civilians in respect to like employment. The concluding paragraph of Regulation 261 prescribes merely a rule of evidence and is not intended to be a prohibition against employment unless the same shall interfere with the employment of local civilians.

The propriety of such employment and the question whether the engaging therein by enlisted men would interfere with the employment of local civilians should be determined by the commanding officer, and, if in any case he shall conclude that such employment does not interfere with the regular employment of local civilians, he may under the law and the regulation permit enlisted men so to be employed. (Dig. Opin. J. A. G., February, 1918.)

[1] *Held*, that this provision relates to the pay of grades and not of individuals, and that demotion of individual soldiers, if found necessary to be made in order to comply with the law providing for a reduction in the numbers of grades in any particular line of the Army, is not a reduction of pay or allow-

listed man of the Army on active duty, and any permanent civilian employee under the jurisdiction of the War Department on duty outside of the continental limits of the United States, to make allotments of his pay for the support of his wife, children, or dependent relatives,[1] or for such other purposes as the Secretary of War may deem proper. *Act of Oct. 6, 1917 (40 Stat. 385), amending sec. 16, act of Mar. 2, 1899 (30 Stat. 981), as amended by act of Mar. 2, 1901 (31 Stat. 896).*

712a. *Same—Payment to allottees, credits to disbursing officers, liability for erroneous payments.*—All allotments of pay of officers, enlisted men, and civilian employees that have been or shall be paid to designated allottees previous to the receipt by disbursing officer of notice of discontinuance of the same from the officer required by regulations to furnish such notice shall pass to the credit of the disbursing officer who has made or shall make such payments; and, if erroneous payment is made because of the failure of an officer to report, in the manner prescribed by the Secretary of War, the death of the grantor, or any fact which renders the allotment not payable, then the amount of such erroneous payment shall be collected by the Quartermaster General from the officer who fails to make such report, if such collection is practicable. Nothing herein shall be construed to invalidate allotments now in force. *Id.*

ALLOTMENTS AND FAMILY ALLOWANCES.

712b. *Article applicable to military and naval forces.*—The provisions of this article shall apply to all enlisted men[2] in the military or naval forces of the United States. *Sec. 2-200, act of Oct. 6, 1917 (40 Stat. 402).*

712c. *Allotments, compulsory and voluntary.*—Allotment of pay shall, subject to the conditions, limitations, and exceptions hereinafter specified, be compulsory[3] as to wife, a former wife divorced

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ances fixed by law for such grades, and hence would not be prohibited by this provision. (Comp. Treas., July 19, 1916; War Dept. Bull. 28, Aug. 18, 1916.)

[1] A soldier can not legally be deprived of any part of his pay for the satisfaction of a private claim, even for the support of his dependent parents. But he can make a voluntary allotment for such purpose. If he allots a portion of his pay for the support of his dependent parents, the Government will, under certain circumstances, make an additional allowance to the parents pursuant to the war-risk insurance act of Oct. 6, 1917. (War Dept. Bull. 72, Dec. 24, 1917.)

[2] Army field clerks are classified as enlisted men in the war-risk insurance act of October 6, 1917, and are therefore required to make compulsory allotments. (Dig. Opin. J. A. G., January, 1918.)

[3] That portion of pay required to be allotted by the provisions of Article II of the war-risk insurance act of October 6, 1917, is not subject to forfeiture by sentence of a court-martial, but any portion voluntarily allotted is subject to such forfeiture. A sentence imposing forfeiture of a part of pay means forfeiture of the specified part of that portion of pay not covered by compulsory allotment. (War Dept. Bull. 75, Dec. 31, 1917.)

Stoppage of pay because of absence without leave is imposed as a penalty and stands upon the same basis as a forfeiture decreed by sentence of court-martial.

who has not remarried and to whom alimony has been decreed, and a child, and voluntary as to any other person; but on the written consent of the wife or former wife divorced, supported by evidence satisfactory to the bureau of her ability to support herself and the children in her custody, the allotment for her and for such children may be waived; and on the enlisted man's application or otherwise for good cause shown, exemption from the allotment may be granted upon such conditions as may be prescribed by regulations. *Id.*

712d. *Amount of compulsory allotments.*—The monthly compulsory allotment shall be in an amount equal to the family allowance hereinafter specified except that it shall not be more than one-half the pay, or less than $15; but for a wife living separate and apart under court order or written agreement or for a former wife divorced, it shall not exceed the amount specified in the court order, decree, or written agreement to be paid to her.[1] *Id.*

Consequently such stoppage of pay is junior to the compulsory allotment made pursuant to Article II of the war-risk insurance act of October 6, 1917 (49 Stat. 398), and can not affect such allotment. (Dig. Opin. J. A. G., February, 1918.)

By virtue of the authority granted in section 13 of the act of October 6, 1917, the following regulation is issued relative to the prorating of allotments and family allowances for periods less than a month when certain events happen within the month.

(1) *Compulsory allotments.*—If a man is enlisted into or discharged from or dies in the military or naval service of the United States within any month the compulsory allotment to be made from his pay shall be prorated in accordance with the Government salary table. Upon the happening within any month of any event which gives rise to, or terminates, or increases or decreases the obligation to make a compulsory allotment, the compulsory allotment shall be prorated as above according to the number of days in the month that the obligation (or the increased or decreased obligation) to make a compulsory allotment existed.

(2) *Voluntary allotments.*—When a man is enlisted into or discharged from or dies in the military or naval service of the United States within any month and makes a voluntary allotment to begin with the date of his enlistment, or continue to the date of his discharge or death, the voluntary allotment to be made from his pay shall be prorated in accordance with the Government salary table. If the enlisted man was in the service on the first day of the month in which he makes a voluntary allotment, the allotment shall begin as of the first day of that month unless he specifies that it shall begin on the first day of a succeeding month.

(3) *Family allowances.*—In every case where the allotment (either compulsory or voluntary) is prorated the family allowance shall be prorated in like manner. But nothing herein shall interfere with the payment of the family allowance for one month after the enlisted man is discharged from the service as provided in section 204. (Regulation No. 5, Jan. 5, 1918. T. D. 9, W. R. 10; Opin. J. A. G., January, 1918.)

[1] An enlisted man is divorced from his wife and in the decree the divorced wife is given custody of the children, but no alimony is granted for the support of either the wife or the children. Is the enlisted man required to make a compulsory allotment for the children?

The act of October 6, 1917, stipulates no condition, except waiver or exemption under section 201, upon which the children of an enlisted man may be deprived of their right to an allotment from his pay. This is in direct contrast to the right of a wife; for in section 201 it is expressly provided that where the wife is divorced the allotment for her, shall not exceed the amount specified in the decree to be paid to her. As to a divorced wife, therefore, the right to share in the enlisted man's pay is terminated upon the issuance of a decree awarding no alimony. The act contains no such limita-

712e. *Same—To illegitimate child.*—For an illegitimate child, to whose support the father has been judicially ordered or decreed to contribute, it shall not exceed the amount fixed in the order or decree. *Id. 403.*

712f. *Same—To divorced wife in addition to allotment for wife or child.*—If there be an allotment for a wife or child, a former wife divorced and who has not remarried shall be entitled to a compulsory allotment only out of the difference, if any, between the allotment for the wife or child or both and one-half of the pay. *Id.*

712g. *Voluntary allotments, amounts and regulations for.*—The enlisted man may allot any proportion or proportions or any fixed amount or amounts of his monthly pay or of the proportion thereof remaining after the compulsory allotment, for such purposes and for the benefit of such person or persons as he may direct, subject, however, to such conditions and limitations as may be prescribed under regulations to be made by the Secretary of War and the Secretary of the Navy, respectively. *Sec. 2-202, Id.*

FAMILY ALLOWANCES.

712h. *Amount.*—A family allowance of not exceeding $50 per month shall be granted and paid by the United States upon written application to the bureau by such enlisted man or by or on behalf of any prospective beneficiary, in accordance with and subject to the conditions, limitations, and exceptions hereinafter specified. *Sec. 2-204, Id.*

(For the section immediately preceding this paragraph see paragraphs 716c, 716d, post.)

712i. *Same—Duration of.*—The family allowance shall be paid from the time of enlistment to death in or one month after discharge

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tion, however, with respect to the rights of the children, and such limitation should not be imposed unless the act plainly requires it. It should be further noted hat the basis of the right to an allotment is essentially one of relationship, and that while he relationship of husband and wife may be terminated by law the relationship of father and child can not.

The enlisted man must make a compulsory allotment for his children in the circumstances stated, unless the allotment is waived or an exemption is granted under section 201 of the act. (Dec. of Dec. 20, 1917, T. D. 9, W. R. Dig. Opin. J. A. G., January, 1918.)

Under the authority conferred by sections 13 and 201 of the act of October 6, 1917, the following regulation is issued relating to exemption from the compulsory allotment for children where they are in custody of divorced wife and no alimony granted for their support, under section 201 of the act of October 6, 1917.

Where an enlisted man is divorced from his wife and in the decree the divorced wife is given custody of the children but no alimony is granted for the support either of the wife or of the children, the enlisted man may, upon application to the bureau, be exempted from the compulsory allotment. The application shall state the name and address of the divorced wife and the names and addresses of the children and shall be supported by evidence showing good cause, including a certified copy of the divorce decree and such other information as the bureau may require.

(Regulation No. 3, Dec. 20, 1917, T. D. 10, W. R. *Id.*)

from the service, but not for more than one month after the termination of the present war emergency. *Id.*

712j. *Same—Not to begin prior to November 1, 1917.*—No family allowance shall be made for any period preceding November first, nineteen hundred and seventeen. *Id.*

712k. *Regulations covering desertion, imprisonment, etc.*—The payment shall be subject to such regulations as may be prescribed relative to cases of desertion and imprisonment and of missing men. *Id.*

7121. *Rates of pay to wife and children, class A.*—Subject to the conditions, limitations, and exceptions hereinabove and hereinafter specified, the family allowance payable per month shall be as follows:

Class A. In the case of a man, to his wife (including a former wife divorced) and to his child or children:

(a) If there be a wife but no child, $15.

(b) If there be a wife and one child, $25.

(c) If there be a wife and two children, $32.50, with $5 per month additional for each additional child.

(d) If there be no wife, but one child, $5.

(e) If there be no wife, but two children, $12.50.

(f) If there be no wife, but three children, $20.

(g) If there be no wife, but four children, $30, with $5 per month additional for each additional child. *Id.*

712m. *Rates of pay to grandchild, parent, brother or sister, Class B.*—Class B. In the case of a man or woman, to a grandchild, a parent, brother, or sister:

(a) If there be one parent, $10.

(b) If there be two parents, $20.

(c) For each grandchild, brother, sister, and additional parent, $5.

In the case of a woman, to a child or children:

(d) If there be one child, $5.

(e) If there be two children, $12.50.

(f) If there be three children, $20.

(g) If there be four children, $30, with $5 per month additional for each additional child. *Id.*

712n. *Compulsory allotment prerequisite to payment to members of Class A.*—Family allowances for members of Class A shall be paid only if and while a compulsory allotment is made to a member or members of such class. *Sec. 2–205, Id. 404.*

712o. *Amount payable to divorced wife.*—The monthly family allowance to a former wife divorced shall be payable only out of the difference, if any, between the monthly family allowance to the other members of Class A and the sum of $50, and only then if alimony shall have been decreed to her. *Id.*

712p. *Amount payable to wife living apart under order of court, etc.*—For a wife living separate and apart under court order or writ-

ten agreement or to a former wife divorced the monthly allowance, together with the allotment, if any, shall not exceed the amount specified in the court order, decree, or written agreement to be paid to her. *Id.*

712q. *Amount payable to illegitimate child.*—For an illegitimate child, to whose support the father has been judicially ordered or decreed to contribute, it shall not exceed the amount fixed in the order or decree. *Id.*

712r. *Conditions prerequisite to payment to members of Class B; amounts.*—Family allowances to members of Class B shall be granted only if and while the member is dependent in whole or in part on the enlisted man, and then only if and while the enlisted man makes a monthly allotment of his pay for such member or members equal to the amount of the monthly family allowance as hereinabove specified, except that—

(a) The maximum monthly allotment so required to be made to members of Class B shall be one-half of his pay.

(b) If he is making no allotment to a member of Class A, the minimum monthly allotment so designated to be made to members of Class B shall be $15 per month.

(c) If he is making the compulsory allotment to a member of Class A, the minimum monthly allotment so designated to be made to members of Class B shall be one-seventh of his pay, but not less than $5 per month.[1] *Sec. 2-206, Id.*

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[1] By virtue of the authority conferred in section 13 of the act of October 6, 1917, the following regulation is issued relative to the apportionment of the allotment for class B and the family allowance, under section 208 of the act of October 6, 1917.

(1) *Rule of apportionment.*—Whenever as indicated below an allotment or a family allowance is to be apportioned among the members of class B the apportionment shall be on the basis of two shares for a parent and one share for each brother, sister, or grandchild. The total number of shares divided into the amount of the allotment or of the family allowance, as the case may be, will give the amount of each share.

(2) *Apportionment of allotment.*—(*a*) If the enlisted man makes an allotment for class B and designates to whom the same shall be paid the allotment shall be paid as designated by him.

(*b*) If the enlisted man makes an allotment for class B but does not designate to whom the same shall be paid the allotment shall be apportioned among the named members of class B according to the rule of apportionment above.

(3) *Apportionment of family allowance.*—(*a*) If the allotment for class B (whether made in a lump sum or otherwise; is sufficient to secure a family allowance for all persons for whom a family allowance is claimed, the total of the family allowance granted shall be apportioned among the named dependents in class B according to the rule of apportionment above.

(*b*) If the allotment for class B is made in a lump sum and is at least $15 but less than one-half of the enlisted man's monthly pay and is not sufficient to secure the family allowance for all persons for whom a family allowance is claimed, the allotment shall be considered made in the manner most effective for securing family allowances; provided that the sum of the family allowances that may be granted as specified in section 204 does not exceed the total sum allotted, subject, however, to the limitations of section 207. The family allowance granted shall be apportioned among the named dependents in class B according to the rule of apportionment above.

(*c*) If individual allotments are made for the several members of class B

712s. *Same—Exemption from additional allotment under Class B as prerequisite may be granted for cause.*—On the enlisted man's application, or otherwise for good cause shown, exemption from this additional allottment under Class B as a condition to the allowance may be granted, upon such conditions as may be prescribed by regulations. *Id.*

712t. *Limitation on amounts payable to members of Class B.*—The amount of the family allowance to members of Class B shall be subject to each of the following limitations:

If an allowance is paid to one or more beneficiaries of Class A, the total allowance to be paid to the beneficiaries of Class B shall not exceed the difference between the allowance paid to the beneficiaries of Class A and the sum of $50. *Sec. 2–207, Id.*

712u. *Same—Amount of allowance and allotment not to exceed amount of contribution to support of.*—The total monthly allowance to beneficiaries of Class B added to the enlisted man's monthly allotment to them shall not exceed the average sum habitually contributed by him to their support monthly during the period of dependency but not exceeding a year immediately preceding his enlistment or the enactment of this amendatory Act.[1] *Id.*

712v. *Apportionment of allotments and family allowances between members of Classes A and B.*—As between the members of

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and the sum of the allotments is at least $15 but less than one-half of the enlisted man's monthly pay and if any of the individual allotments is less than the corresponding family allowance (as specified in sec. 204) for the individual member for whom a family allowance is claimed the total allotment shall be considered made in the manner most effective for securing family allowances; provided that the sum of the total family allowances that may be granted as specified in section 204 does not exceed the total sum allotted, subject, however, to the limitations of section 207. The family allowance granted shall be apportioned among the named dependents in class B according to the rule of apportionment above. (Regulation No. 4, Jan. 29, 1918. T. D. 14 W. R. Dig. Opin. J. A. G., January, 1918.)

By virtue of the authority conferred in sections 13 and 206 of the act of October 6, 1917, the following regulation is issued concerning exemption from the allotment for class B as a condition to the family allowance:

An enlisted man who is making a compulsory allotment for class A shall, as a condition to securing the family allowance for class B, be required to allot for class B one-seventh of his monthly pay, but not less than $5, and shall be automatically exempted, without application, from any further allotment for class B.

(Regulation No. 7, Jan. 14, 1918. T. D. 13 W. R.; Id.)

By virtue of the authority conferred in section 13 of the act of October 6, 1917, the following regulation is issued relative to the amount of the monthly allotment shall be considered as is necessary as a condition to the family allowance (section 207 (*b*) as to habitual contributions has been exceeded:

In determining whether the total monthly allowance added to the monthly allotment for Class B is in excess of the average sum habitually contributed monthly by the enlisted man to his dependents, only so much of the monthly allotment shall be considered as is necessary as a condition to the family allowance; and any excess allotment over the amount necessary as a condition to the family allowance shall be transmitted to the dependents as an additional contribution by the enlisted man. (Regulation No. 8, Jan. 29, 1918. T. D. 15 W. R. Dig. Opin. J. A. G., January, 1918.)

Class A and as between the members of Class B, the amount of the allotment and family allowance shall be apportioned as may be prescribed by regulations. *Sec. 2–208, Id.*

712w. *Payments of allotments to Treasury Department for distribution, etc.*—The War and Navy Departments, respectively, shall pay over to the Treasury Department monthly the entire amount of such allotments for distribution to the beneficiaries, and the allotments and family allowances shall be paid by the bureau to or for the beneficiaries. *Sec. 2–209, Id.*

712x. *Investigations as to allowances and allotments.*—Upon receipt of any application for family allowance the commissioner shall make all proper investigations and shall make an award, on the basis of which award the amount of the allotments to be made by the man shall be certified to the War Department or Navy Department, as may be proper. *Sec. 2–210, Id.*

712y. *Same—Modification of award where conditions have changed, etc.*—Whenever the commissioner shall have reason to believe that an allowance has been improperly made or that the conditions have changed, he shall investigate or reinvestigate and may modify the award. *Id, 405.*

By virtue of the authority conferred in section 13 of the war risk insurance act, the following regulation is issued relative to the applicability of the limitation as to habitual contributions in section 207 (*b*) of the war risk insurance act.

(1) *Dependency arising prior to both enlistment and October 6, 1917.*—If the member of class B, for whom an enlisted man makes a monthly allotment in accordance with section 206 and claims a family allowance, became dependent in whole or in part on the enlisted man prior to both enlistment and October 6, 1917, the limitation as to habitual contributions by him monthly may be computed as of the period (not exceeding one year) of dependency immediately preceding his enlistment or immediately preceding October 6, 1917, whichever period the enlisted man prefers.

(2) *Dependency arising prior to enlistment or October 6, 1917, but not prior to both.*—If the member of class B, for whom the enlisted man makes a monthly allotment in accordance with section 206 and claims a family allowance, became dependent in whole or in part on the enlisted man prior to enlistment or prior to October 6, 1917, but not prior to both, the limitation as to habitual contributions in section 207 (*b*) is applicable, and the average sum habitually contributed by him monthly shall be computed as of the period (not exceeding one year) of dependency immediately preceding his enlistment or immediately preceding October 6, 1917, as the case may be.

(3) *Dependency arising subsequent to both enlistment and October 6, 1917.*—If the member of class B, for whom the enlisted man makes a monthly allotment in accordance with section 206 and claims a family allowance, becomes dependent in whole or in part on the enlisted man subsequent to both enlistment and October 6, 1917, the limitation as to habitual contributions in section 207 (*b*) is not applicable, and family allowances will be paid without regard to such limitation.

(Regulation of Feb. 8, 1918, T. D. 16 W. R. Dig. Opin. J. A. G., February, 1918.)

By virtue of the authority conferred in section 13 of the war risk insurance act, the following regulation is issued relative to the definition of dependency:

For the purposes of the war risk insurance act a person is dependent in whole or in part upon another when he is compelled to rely, and the relations between the parties are such that he has a right to rely in whole or in part, on the other for his support. (Regulation of Feb. 23, 1918, T. D. 17, W. R. Id.)

712a. *Same—Amount of each monthly allotment or allowance dependent upon existing conditions.*—The amount of each monthly allotment and allowance shall be determined according to the conditions then existing. *Id.*

712aa. *Military and naval family allowance appropriation, payments from.*—There is hereby appropriated from any money in the Treasury not otherwise appropriated, the sum of $141,000,000, to be known as the military and naval family allowance appropriation, for the payment of the family allowances provided by Article II. Payments out of this appropriation shall be made upon and in accordance with awards by the Commissioner of the Division of Military and Naval Insurance. *Sec. 2–18, Id., 400.*

(For the section immediately preceding this paragraph see paragraphs 1483n–1483p, and for the ensuing section see paragraph 1483aaaa, post.)

716a. *Military and naval pay deposit fund.*—There shall be set aside as a separate fund in the Treasury, to be known as the military and naval pay deposit fund, all sums held out of pay as provided by section two hundred and three of this Act. *Sec. 2–21, Id., 400.*

(For the section immediately preceding this paragraph see paragraphs 1483yyy, 1483zzzz, post.)

716b. *Same—Available for payment of principal and interest, appropiation for interest.*—Such fund, including all additions, is hereby made available for the payment of the sums so held and deposited, with interest, as provided in section two hundred and three, and the amount necessary to pay interest is hereby appropriated. *Id.*

(For the ensuing section of this act see paragraph 1483q, post.)

716c. *Deposit of unallotted pay to credit of enlisted men.*—In case one-half of an enlisted man's monthly pay is not allotted, regulations to be made by the Secretary of War and the Secretary of the Navy, respectively, may require, under such circumstances and conditions as may be prescribed in such regulations, that any proportion of such one-half pay as is not allotted shall be deposited to his credit, to be held during such period of his service as may be prescribed. *Sec. 2–203, Id., 403.*

(For the section immediately preceding this paragraph see paragraph 712g, ante.)

716d. *Interest, payment of principal and interest.*—Such deposits shall bear interest at the rate of four per centum per annum, with semiannual rests and, when payable, shall be paid principal and interest to the enlisted man, if living, otherwise to any beneficiary or beneficiaries he may have designated, or if there be no such beneficiary, then to the person or persons who would under the laws of the State of his residence be entitled to his personal property in case of intestacy. *Id.*

(For the ensuing section of this act see paragraph 712h, ante.)

721a. *Transportation of change of station allowance of baggage on discharge for disability of enlisted man having ten years or more of service.*—Hereafter when an enlisted man having ten or more years' service in the Army is discharged on account of disability incurred in the line of duty, transportation of his authorized change of station allowance of baggage from his last duty station to his home in addition to other travel allowances fixed by law may be authorized by the Secretary of War. *Act of Aug. 29, 1916 (39 Stat. 633).*

727a. *Pay and allowances of soldier sentenced to dishonorable discharge during execution of suspended sentence.*—Hereafter pay and allowances shall not accrue to a soldier under sentence of dishonorable discharge during such period as the execution of the sentence of discharge may be suspended under authority of the act of Congress approved April twenty-seventh, nineteen hundred and fourteen, and pay which has heretofore been forfeited under such suspended sentence shall not be held to have accrued to the Soldiers' Home under the operation of section forty-eight hundred and eighteen, Revised Statutes, but shall be covered back into the Treasury of the United States. *Act of Mar. 4, 1915 (38 Stat. 1065).*

(This provision will also be found under paragraph 1507a.)

CHAPTER XIX.

THE MEDICAL DEPARTMENT.

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728a. *The Medical Department, composition of.*—The Medical Department shall consist of one Surgeon General, with the rank of major general during the active service of the present incumbent[1] of that office, and thereafter with the rank of brigadier general, who shall be chief of said department, a Medical Corps, a Medical Reserve Corps within the limit of time fixed by this Act, a Dental Corps, a Veterinary Corps, an enlisted force, the Nurse Corps and contract surgeons as now authorized by law, the commissioned officers of which shall be citizens of the United States. *Sec. 10, Act of June 3, 1916 (39 Stat. 171).*

(For the next provision of this section see par. 729a. For the provision of sec. 37 abolishing the Medical Reserve Corps one year after passage of act, see par. 1589.)

[1] For provision in section 3, act of October 6, 1917, giving the Surgeon General the rank, pay, and allowances of major general, see paragraph 373a, ante.

728b. *Not to exceed five officers of, may be detailed with American Red Cross.*—Hereafter the President shall be authorized to detail not to exceed five officers of the Medical Department of the Army for duty with the military relief division of the American National Red Cross. *Id.*

(For other provisions of this section, preceding this paragraph, see paragraphs 729a, 729b, 729c, 731a, and 732a.)

VETERINARY CORPS.

728c. *Composition of.*—The President is hereby authorized, by and with the advice and consent of the Senate, to appoint veterinarians and assistant veterinarians in the Army, not to exceed, including veterinarians now in service, two such officers for each regiment of Cavalry, one for every three batteries of Field Artillery, one for each mounted battalion of Engineers, seventeen as inspectors of horses and mules and as veterinarians in the Quartermaster Corps, and seven as inspectors of meats for the Quartermaster Corps; and said veterinarians and assistant veterinarians shall be citizens of the United States and shall constitute the Veterinary Corps and shall be a part of the Medical Department of the Army.[1] *Sec. 16, act of June 3, 1916 (39 Stat. 176).*

(See paragraphs 548, 1078, and 1079 for existing law relative to veterinarians.)

728d. *Appointment of assistant veterinarian, qualifications and examination for.*—Hereafter a candidate for appointment as assistant veterinarian must be a citizen of the United States, between the ages of twenty-one and twenty-seven years,[2] a graduate of a recognized

[1] Upon inquiry whether veterinarians of Cavalry, Field Artillery, and the Quartermaster Corps who have been recommended for commissions in the Veterinary Corps established by section 16 of the act of June 3, 1916, are to be considered members of the Veterinary Corps pending the issue of their commissions,

Held, that the language of the section referred to defines the Veterinary Corps as consisting of "said veterinarians and assistant veterinarians," and these words can relate only to the veterinarians and assistant veterinarians whose appointments have been provided for in the preceding clauses. The words, "including veterinarians now in the service," are employed in the section only for the purposes (1) of limiting the number of officers who may be appointed veterinarians and assistant veterinarians under the terms of the section, and (2) of indicating that the discharge of veterinarians then in the service was not required; and do not have the effect of including the "veterinarians now in the service" in the Veterinary Corps, which the section plainly constitutes through new appointment. (War Dept. Bull. 15, March 24, 1917.)

[2] The question was presented whether the provision of the act of May 12, 1917 (Army appropriation act), amending section 24 of the national-defense act so as to provide new age limits for appointments to the grade of second lieutenant, affected the eligibility for appointment as assistant veterinarians under section 16 of the national-defense act.

Held, that, since the provision of section 16 of the national-defense act governing the eligibility of persons for appointment as assistant veterinarians is not dependent upon or affected by the provisions governing the eligibility for appointment as second lieutenant found in section 24 of that act, the amendment of section 24 by the act of May 12, 1917, does not affect the provision relative to appointment as assistant veterinarians found in section 16 of the national-defense act. (War Dept. Bull. 49, August 22, 1917.)

veterinary college or university, and shall not be appointed until he shall have passed a satisfactory examination as to character, physical condition, general education, and professional qualifictions. *Id.*

728e. *Same—Rank, pay, and allowances of.*—An assistant veterinarian appointed under this Act shall, for the first five years of service as such, have the rank, pay, and allowances of second lieutenant; that after five years of service he shall have the rank, pay, and allowances of first lieutenant; that after fifteen years of service he shall be promoted to be a veterinarian with the rank, pay, and allowances of captain, and that after twenty years' service he shall have the rank, pay, and allowances of a major.[1] *Id.*

728f. *Same—Examination for promotion.*—Any assistant veterinarian, in order to be promoted as hereinbefore provided, must first pass a satisfactory examination, under such rules as the President may prescribe, as to professional qualifications and adaptability for the military service; and if such assistant veterinarian shall be found deficient at such examination he shall be discharged from the Army with one year's pay. *Id.*

728g. *Veterinarians now in Army appointed in Veterinary Corps, rank and pay of.*—The Veterinarians of Cavalry and Field Artillery now in the Army, together with such veterinarians of the Quartermaster Corps as are now employed in said corps, who at the date of the approval of this Act shall have had less than five years' governmental service, may be appointed in the Veterinary Corps as assistant veterinarians with the rank, pay, and allowances of second lieutenant; those who shall have had over five years of such service may be appointed in said corps as assistant veterinarians with the rank, pay, and allowances of first lieutenant; and those who shall have had over fifteen years of such service may be appointed in said corps as

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Under the national-defense act of June 3, 1916 (39 Stat. 176), a person who is especially qualified for duty as a veterinarian is eligible for a commission as a veterinary officer in the federalized National Guard, even though he may not be a graduate of a veterinary college. (Sec. 74.) Candidates for the position of assistant veterinarian in the Regular Army, or that of reserve veterinarian, must, however, be graduates of a recognized veterinary college or university. (Sec. 16.) (Dig. Opin. J. A. G., January, 1918.)

[1] The increase of the Military Establishment provided by the act of May 18, 1917, authorizes the appointment in the Veterinary Corps of officers of the grades of colonel and lieutenant colonel even though the national defense act of June 3, 1916, which established the Veterinary Corps, provides for no grades higher than that of major. This is so because the latter act prescribes an organization appropriate to the limited forces authorized by that act for the Regular Army, whereas the enlarged forces called for by the act of May 18, 1917, render necessary the appointment of such officers for administrative purposes and in order to make such larger forces correspond in organization to that of the Regular Army. (Dig. Opin. J. A. G., January, 1918.)

veterinarians with the rank, pay, and allowances of captain.[1] *Id. 177.*

(See par. 544, 1078, and 1079 for existing law relative to veterinarians.)

728h. *Same—Examination for.*—No such appointment of any veterinarian shall be made unless he shall first pass satisfactorily a practical professional and physical examination as to his fitness for the military service.[2] *Id.*

728i. *Same—Retirement of if found physically disqualified.*—Veterinarians now in the Army or in the employ of the Quartermaster Corps who shall fail to pass the prescribed physical examination because of disability incident to the service and sufficient to prevent them from the performance of duty valuable to the Government shall be placed upon the retired list of the Army with seventy-five per centum of the pay to which they would have been entitled if appointed in the Veterinary Corps as hereinbefore prescribed. *Id.*

728j. *Appointment of reserve veterinarians, pay and allowances of.*—The Secretary of War, upon recommendation of the Surgeon General of the Army, may appoint in the Veterinary Corps, for such time as their services may be required, such number of reserve veterinarians as may be necessary to attend public animals pertaining to the Quartermaster Corps. Reserve veterinarians so employed shall have the pay and allowances of second lieutenant during such employment and no longer. *Id.*

728k. *Same—Qualifications of; eligible for appointment as assistant veterinarian.*—Such reserve veterinarians shall be graduates of a recognized veterinary college or university and shall pass a satisfactory examination as to character, physical condition, general education, and professional qualifications in like manner as hereinbefore required of assistant veterinarians; such reserve veterinarians

[1] *Held*, that those persons employed as inspectors of horses and as inspectors of meats, who are qualified veterinarians, come within such authorization and may be commissioned in the Veterinary Corps with rank, pay, and allowances as specified in the act. (War Dept. Bull. 34, Sept. 12, 1916.)

Upon an inquiry whether an assistant veterinarian appointed under the provisions of section 16 of the national defense act might receive credit for service in the Bureau of Animal Industry as "Governmental service," within the meaning of that section,

Held, that since the national defense act as a whole relates to matters under the control of the War Department, it must be assumed that any term employed in the section above referred to which describes service in a more general way than the term "military service" must be construed to cover other service under the War Department only, rather than to extend the operation of the statute to other departments of the Government, and therefore beyond the general purview of the act; and that, therefore, service in the Bureau of Animal Industry can not be counted as "Governmental service" within the meaning of section 16 of the national defense act. (War Dept. Bull. 15, Mar. 24, 1917.)

[2] *Held*, that as the act limits the character of the examination to a practical professional and physical examination, it excludes a theoretical examination, and the examination required must be confined to such inquiry as will determine the ability of the applicant skillfully to perform his profession, but may include a written examination on questions of a practical nature. (War Dept. Bull. 28, Aug. 18, 1916.)

shall constitute a list of eligibles for appointment as assistant veterinarians, subject to all the conditions hereinbefore prescribed for the appointment of assistant veterinarians. *Id.*

728l. *Probationary appointment of assistant veterinarians from eligible list in order of merit.*—Within a limit of time to be fixed by the Secretary of War, candidates for appointment as assistant veterinarians who shall have passed satisfactorily the examinations prescribed for that grade by this Act shall be appointed, in the order of merit in which they shall have passed such examination, to vacancies as they occur, such appointments to be for a probationary period of two years, after which time, if the services of the probationers shall have been satisfactory, they shall be permanently appointed with rank to date from the dates of rank of their probationary appointments. *Id.*

728m. *Same—Discharge of probationary veterinarians whose services are unsatisfactory.*—Probationary veterinarians whose services are found unsatisfactory shall be discharged at any time during the probationary period, or at the end thereof, and shall have no further claims against the Government on account of their probationary service. *Id.*

728n. *Boards of examiners, composition of.*—The Secretary of War shall from time to time appoint boards of examiners to conduct the veterinary examinations hereinbefore prescribed, each of said boards to consist of three medical officers and two veterinarians.[1] *Id.*

THE MEDICAL CORPS.[2]

729a. *Composition of.*—The Medical Corps shall consist of commissioned officers below the grade of brigadier general, proportionally distributed among the several grades as in the Medical Corps now established by law. The total number of such officers shall approximately be equal to, but not exceed, except as hereinafter provided, seven for every one thousand of the total enlisted strength of the Regular Army authorized from time to time by law.[3] *Sec. 10, id. 171.*

(For provision of this section preceding this paragraph, see paragraph 728a.)

[1] *Held*, that as the law does not specifically require the veterinarian members of the board to have qualified under the examination provided by the national-defense act, and it would be impossible so to constitute the first board the existing veterinarians in the service should be appointed members of the first boards convened for the required examinations. (War Dept. Bull. 18, July 6, 1916.)

[2] For requirement that commissioned officers of the Medical Corps shall be citizens of the United States, see par. 723a, ante.

[3] *Held*, that the prescribed ratio of seven officers to each one thousand enlisted men for the Medical Corps did not become effective with the passage of the act of June 3, 1916, but that the total authorized increase of officers in said corps, to be determined according to the total authorized enlisted strength, including all increments, is subject to the provision in section 24 requiring the increases to be made in five approximately equal increments. (War Dept. Bull. 34, Sept. 12, 1916.)

732b. *Upon reduction by law of authorized enlisted strength of Army no original appointments to be made to commissioned rank in until it has been proportionally reduced.*—If by reason of a reduction by law in the authorized enlisted strength of the Army aforesaid the total number of officers in the Medical Corps commissioned previously to such reduction shall for the time being exceed the equivalent of seven to one thousand of such reduced enlisted strength, no original appointment to commissioned rank in said corps shall be made until the total number of commissioned officers thereof shall have been reduced below the equivalent of seven to the thousand of the said reduced enlisted strength, nor thereafter so as to make the total number of commissioned officers thereof in excess of the equivalent of seven to the thousand of said reduced enlisted strength; and no promotion shall be made above the grade of captain in said corps until the number of officers in the grade above that of captain to which the promotion is due shall have been reduced below the proportional number authorized for such grade on the basis of the reduced enlisted strength, nor thereafter so as to make the number of officers in such grade in excess of the proportional number authorized on the basis of said reduced enlisted strength. *Id.*

732c. *Medical officers appointed to meet increase in time of war to be honorably discharged when strength of Army is reduced.*—When in time of war the Regular Army shall have been increased by virtue of the provisions of this or any other Act, the medical officers appointed to meet such increase shall be honorably discharged from the service of the United States when the reduction of the enlisted strength of the Army shall take place. *Id.*

(For the next provision of this section see paragraph 732a.)

732d. *Promotion as captains of first lieutenants in Medical Corps of Regular Army and National Guard.*—During the existing emergency first lieutenants in the Medical Corps of the Regular Army and of the National Guard shall be eligible to promotion as captain upon such examination as may be prescribed by the Secretary of War.[1] *Act of Oct. 6, 1917 (40 Stat. 397).*

For the ensuing provisions of this act see paragraphs 750d–750g, and 1581a, 1.)

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[1] Section 10 of the national-defense act provides that persons hereafter commissioned in the Medical Corps shall be promoted to the grade of captain after years' service in the Medical Corps and upon passing the examinations prescribed by the President for promotion. Public 86, Sixty-fifth Congress, provides that during the present emergency first lieutenants in the Medical Corps the Regular Army and of the National Guard shall be eligible to promotion as captain upon such examination as may be prescribed by the Secretary of War. Construing these provisions together with section 114 of national-defense act, it is held that all vacancies in the Medical Corps must be filled by permanent or temporary promotions, according to the character of the vacancy, of officers in the Medical Corps below the grade in which the vacancy exists, in order of seniority, subject to the required examinations. Temporary appoint-

731a. *Relative rank of captains, method of determining.*—Relative rank among captains in the Medical Corps, who have or shall have attained that rank by operation of law after a period of service fixed thereby, shall be determined by counting all the service rendered by them as officers in said corps and as assistant surgeons in the Regular Army, subject, however, to loss of files by reason of sentence of court-martial or by reason of failure to pass examination for promotion. *Sec. 10, Act of June 3, 1916 (39 Stat. 171).*

(For the next preceding provision of this section see paragraph 732a.)

732a. *Appointment in, qualifications for, and promotion.*—Persons hereafter commissioned in the Medical Corps shall be citizens of the United States between the ages of twenty-two and thirty years and shall be promoted to the grade of captain upon the completion of five years' service in the Medical Corps and upon passing the examinations prescribed by the President for promotion to the grade of captain in the Medical Corps.[1] *Id.*

(For the next ensuing provision of this section see paragraph 728b.)

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ments can be resorted to only when possibilities of promotions by seniority have been exhausted. (War Dept. Bull. 72, Dec. 24, 1917.)

The act of October 6, 1917, repeals section 10 of the act of June 3, 1916, in so far as it requires 24 years' service as a qualification for major in the Dental Corps and limits the number of majors to 15. The same act makes first lieutenants in the Medical Corps of the Regular Army and National Guard eligible to promotion as captains upon examination prescribed by the Secretary of War. The Secretary need not act in the premises unless he so desires. (War Dept. Bull. 75, Dec. 31, 1917.)

[1] Under existing law there are two courses of action prescribed in respect to medical officers who fail to qualify for promotion for reasons other than physical disability incurred in line of duty—the act of April 23, 1908 (35 Stat. 67), which applies to captains and lieutenants, providing that upon their failure to pass the examination the finding of the examining board shall be passed upon by a board of review, and if it be concurred in by the board of review the officer shall be discharged with one year's pay; the other, the act of March 3, 1909 (35 Stat. 737), which applies in terms to majors, and provides that if such officer fails to pass an examination for promotion, for reasons other than physical disability incurred in line of duty, he shall be suspended from promotion and reexamined after the expiration of one year, and if he then fails to pass he shall be retired without promotion.

Held, that by the above-quoted provision of the national-defense act the provisions of the act of March 3, 1909, *supra*, relating to examination of majors of the Medical Corps and the action to be taken in case of failure to qualify for promotion, is extended to include promotions of officers of the Medical Corps above the grade of major and below the grade of brigadier general. (War Dept. Bull. 18, July 8, 1916.)

Section 10 of the national-defense act provides that persons hereafter commissioned in the Medical Corps shall be promoted to the grade of captain after five years' service in the Medical Corps and upon passing the examinations prescribed by the President for promotion. The act of Oct. 6, 1917 (40 Stat. 397), provides that during the present emergency first lieutenants in the Medical Corps of the Regular Army and of the National Guard shall be eligible to promotion as captain upon such examination as may be prescribed by the Secretary of War. Construing these provisions together with section 114 of national-defense act, it is held that all vacancies in the Medical Corps must be filled by permanent or temporary promotions, according to the character of the vacancy, of officers in the Medical Corps below the grade in which the vacancy exists, in order of seniority, subject to the required examinations. Temporary appointments can be resorted to only when possibilities of promotions by seniority have been exhausted. (War Dept. Bull. 72, Dec. 24, 1917.)

732b. *Same—Provision as to age limit repealed.*—So much of the Act of June third, nineteen hundred and sixteen, as relates to the age limit for eligibility to appointment of first lieutenants in the Medical Department of the Army, be, and the same is hereby, repealed. *Act of Aug. 29, 1916 (39 Stat. 640).*

732c. *Same—Age limit after January first, nineteen hundred and eighteen.*—After January first, nineteen hundred and eighteen, the maximum age limit for eligibility to appointment of first lieutenants in the Medical Department of the Army shall be thirty-two years. *Id.*

DENTAL SURGEONS.

750a. *Rank, pay, allowances, qualifications, and number of.*—The President is hereby authorized to appoint and commission, by and with the advice and consent of the Senate, dental surgeons, who are citizens of the United States between the ages of twenty-one and twenty-seven years, at the rate of one for each one thousand enlisted men of the line of the Army. Dental surgeons shall have the rank, pay, and allowances of first lieutenants until they have completed eight years' service. Dental surgeons of more than eight but less than twenty-four years' service shall, subject to such examination as the President may prescribe, have the rank, pay, and allowances of captains. Dental surgeons of more than twenty-four years' service shall, subject to such examination as the President may prescribe, have the rank, pay, and allowances of major.[1] *Sec. 10, Act of June 3, 1916 (39 Stat. 173).*

(For provisions of this section preceding this paragraph see paragraphs 728a, 729a, 729b, 729c, 732a, 731a, 728b, 756a, 760a, 766a, 756b, 766c, 766d, 766e, 766f, 766g, 765a, 765b.)

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[1] *Held*, that the provision quoted from the act of 1911 was not repealed by the national defense act, and that the two provisions should be read together; that the term "years' service" as used in the act of June 3, 1916, includes service under contract as well as service under commission, and is limited to service as a dental surgeon under contract or commission; and that therefore, in computing under said law the length of service of dental surgeons, for promotion and other purposes, all such dental surgeons as are otherwise eligible and have service as contract dental surgeons or acting dental surgeons prior to June 3, 1916, shall be given credit for the length of their service as such contract dental surgeons or acting dental surgeons, in addition to credit for service as first lieutenant under the act of Mar. 3, 1911.

(Comp. Treas., July 22, 1916. War Dept. Bull. 28, Aug. 18, 1916.)

Held, that this provision for advancement does not contemplate that it shall be by way of a new appointment and commission, as only the one office, that of dental surgeon, is created, and that increases in rank, pay, and allowances come by operation of law and depend exclusively upon length of service and the passing of required examinations.

Held further, that dental surgeons are entitled to the benefits of section 32 of the act of Feb. 2, 1901 (31 Stat. 756), providing that:

"When the exigencies of the service of any officer who would be entitled to promotion upon examination require him to remain absent from any place where an examining board could be convened, the President is hereby authorized to promote such officer, subject to examination, and the examination shall take place as soon thereafter as practicable." (War Dept. Bull. 47, Nov. 16, 1916.)

While the Dental Corps is included in the Medical Department for adminis-

750b. *Same—Number of majors limited to fifteen.*—The total number of dental surgeons with rank, pay, and allowances of major shall not at any time exceed fifteen. *Id.*

750c. *Same—Examination for promotion same as for officers of Medical Corps.*—All laws relating to the examination of officers of the Medical Corps for promotion shall be applicable to dental surgeons.[1] *Id.*

(For the last provision of this section see paragraph 1279a.)

750d. *Composition, appointments, promotions, rank, pay, allowances, retirement and number of officers.*—Hereafter the Dental Corps of the Army shall consist of commissioned officers of the same grade and proportionally distributed among such grades as are now or may be hereafter provided by law for the Medical Corps, who shall have the rank, pay, promotion and allowances of officers of corresponding grades in the Medical Corps, including the right to retirement as in the case of other officers, and there shall be one dental officer for every thousand of the total strength of the Regular Army authorized from time to time by law.—*Act of Oct. 6, 1917 (40 Stat. 397.)*

(For the preceding provision of this act see paragraph 729d, ante.)

750e. *Examining and reviewing boards—Composition.*—Dental examining and review boards shall consist of one officer of the Medical Corps and two officers of the Dental Corps. *Id.*

750f. *Recommission of surgeons in active service.*—Immediately following the approval of this Act all dental surgeons then in active service shall be recommissioned in the Dental Corps in the grades herein authorized in the order of their seniority and without loss of pay or allowances or of relative rank in the Army. *Id.*

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trative purposes, it has independent functions, and since the act of October 6, 1917 (40 Stat. 397), makes the personnel of that corps the same as that of the Medical Corps, except as to number per thousand, the Dental Corps is such a corps as should form the basis of an organization in the Officers' Reserve Corps. Subsection 2 of section 1 of Special Regulations 43, War Department, 1917, may properly be amended so as to authorize the commissioning of officers in the Dental Reserve Corps of the Medical Department with the same grades and percentages within the grades as are permitted by law for the Medical Officers' Reserve Corps. (War Dept. Bull. 72, Dec. 24, 1917.)

The act of October 6, 1917, repeals section 10 of the act of June 3, 1916, in so far as it requires 24 years' service as a qualification for major in the Dental Corps and limits the number of majors to 15. The same act makes first lieutenants in the Medical Corps of the Regular Army and National Guard eligible to promotion as captains upon examination prescribed by the Secretary of War. The Secretary need not act in the premises unless he so desires. (War Dept. Bull. 75, Dec. 31, 1917.)

[1] The question was presented as to the proper disposition of a first lieutenant, Dental Corps, who appeared before an examining board to determine his fitness for promotion under the provisions of section 10 of the national-defense act and was found by the board to be disqualified both physically and mentally.

Held, that under the provision of said section which makes applicable to him "all laws relating to the examination of officers of the Medical Corps for promotion," he is, by reason of having failed to pass his physical examination for promotion, entitled to be retired with the rank of captain. (War Dept. Bull. 18, April 6, 1917.)

750g. *Same—Confirmation by Senate prior to recommissioning of.*—No dental surgeon shall be recommissioned who has not been confirmed by the Senate. *Id.*

(For the last provision of this act see paragraph 1581a, post.)

ENLISTED FORCE.

756a. *Composition of.*—The enlisted force of the Medical Department shall consist of the following personnel, who shall not be included in the effective strength of the Army nor counted as a part of the enlisted force provided by law: Master hospital sergeants, hospital sergeants, sergeants (first class), sergeants, corporals, cooks, horseshoers, saddlers, farriers, mechanics, privates (first class), and privates. *Sec. 10, Act of June 3, 1916 (39 Stat. 172).*

(For provision of this section immediately preceding this paragraph see paragraph 728b. For authorization for one thousand additional sergeants for detail from the Infantry, Cavalry, Field Artillery, Corps of Engineers, Coast Artillery Corps, Medical Department, and Signal Corps of the Regular Army, with corresponding organizations of the National Guard, to assist in the instruction of its personnel and the care of property; and the similar detail of one hundred additional sergeants with the disciplinary organizations at the United States Disciplinary Barracks, see paragraph 1332a.)

756b. *Enlisted men in Hospital Corps at date of approval of Act transferred to corresponding grades in Medical Department.*—The enlisted men of the Hospital Corps who are in active service at the time of the approval of this Act are hereby transferred to the corresponding grades of the Medical Department established by this Act.[1] *Id.*

(For provisions of this section immediately preceding this paragraph see paragraphs 760a and 766a.)

760a. *Appointment and qualifications of master hospital sergeants.*—Master hospital sergeants shall be appointed by the Secretary of War, but no person shall be appointed master hospital sergeant until he shall have passed a satisfactory examination under such regulations as the Secretary of War may prescribe before a board of one or more medical officers as to his qualifications for the position, including knowledge of pharmacy, and demonstrated his fitness therefor by service of not less than twelve months as hospital sergeant or sergeant, first class, Medical Department, or as sergeant, first class, in the Hospital Corps now established by law; and no person shall be designated for such examination except by written authority of the Surgeon General. *Id.*

(For provision of this section immediately preceding this paragraph see paragraph 756a.)

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[1] *Held*, that the saving clause at the end of section 28, national-defense act, operates to continue the pay of the grade of private, Hospital Corps, for the benefit of enlisted men during the remainder of their enlistments existing June 3, 1916, and that therefore the soldier, upon his reduction to the grade of private, was entitled to the old rate of $16 per month. (War Dept. Bull. 57, Dec. 22, 1916.)

765a. *Privates, first class, eligible for ratings for additional pay as nurses and dispensary or surgical assistants.*—Privates, first class, of the Medical Department shall be eligible for ratings for additional pay as follows: As dispensary assistant, $2 a month; as nurse, $3 a month; as surgical assistant, $5 a month. *Id.*

* (For the provisions of this sections immediately preceding this paragraph see paragraphs 766a, 756b, 766b, 766c, 766d, 766e, 766f, and 766g.)

765b. *Same—No man shall receive more than one rating for additional pay.*—No enlisted man shall receive more than one rating for additional pay under the provisions of this section, nor shall any enlisted man receive any additional pay under such rating unless he shall have actually performed the duties for which he shall be rated. *Id. 173.*

766a. *Original enlistments to be in grade of private and reenlistments, transfers, etc., to be under prescribed regulations.*—Original enlistments for the Medical Department shall be made in the grade of private, and reenlistments and promotions of enlisted men therein, except as hereinbefore prescribed, and transfers thereto from the enlisted force of the line or other staff departments and corps of the Army shall be governed by such regulations as the Secretary of War may prescribe. *Id. 172.*

(For provision of this section immediately preceding this paragraph, see par. 760a.)

766b. *Enlisted men, total number not to exceed five per centum of enlisted strength of Army.*—The total number of enlisted men in the Medical Department shall be approximately equal to, but not exceed, except as hereinafter provided, the equivalent of five per centum of the total enlisted strength of the Army authorized from time to time by law. *Id.*

(For provision of this section immediately preceding this paragraph, see par 756b.)

766c. *Same—Additional men may be enlisted in time of actual or threatened hostilities.*—In time of actual or threatened hostilities, the Secretary of War is hereby authorized to enlist or cause to be enlisted in the Medical Department such additional number of men as the service may require. *Id.*

766d. *Number of master hospital sergeants, hospital sergeants, sergeants (first-class), sergeants, corporals, and cooks.*—The number of enlisted men in each of the several grades designated below shall not exceed, except as hereinafter provided, the following percentages of the total authorized enlisted strength of the Medical Department, to wit: Master hospital sergeants, one-half of one per centum; hospital sergeants, one-half of one per centum; sergeants, first class, seven per centum; sergeants, eleven per centum; corporals, five per centum; and cooks, six per centum. *Id.*

766e. *Number of horseshoers, saddlers, farriers, and mechanics.*—The number of horseshoers, saddlers, farriers, and mechanics in the Medical Department shall not exceed one each to each authorized ambulance company or like organization. *Id.*

766f. *Number of first-class privates and privates.*—In said department the number of privates, first class, shall not exceed twenty-five per centum of the number of privates. *Id.*

766g. *Upon reduction by law of authorized enlisted strength of Army no promotion of noncommissioned officers will be made until their percentage has been reduced proportionally.*—If by reason of a reduction by operation of law in the authorized enlisted strength of the Army aforesaid the number of noncommissioned officers of any grade in the Medical Department whose warrants were issued previously to such reduction shall for the time being exceed the percentage hereinabove specified for such grade, no promotion to such grade shall be made until the percentage of noncommissioned officers therein shall have been reduced below that authorized for such grade on the basis of the said reduced enlisted strength, nor thereafter so as to make the percentage of noncommissioned officers therein in excess of the percentage authorized on the basis of the said reduced enlisted strength; but noncommissioned officers may be reenlisted in the grades held by them previously to such reduction regardless of the percentages aforesaid; and when under this provision the number of noncommissioned officers of any grade exceeds the percentage specified, any noncommissioned officer thereof, not under charges, may be discharged on his own application. *Id.*

770a. *Allowances of superintendent.*—Hereafter the superintendent shall receive such allowances of quarters, subsistence, and medical care during illness as may be prescribed in regulations by the Secretary of War. *Act of Aug. 29, 1916 (39 Stat. 626).*

775a. *Sale of medical supplies to American Red Cross.*—Hereafter, with the approval of the Secretary of War and at rates of charge of not less than the contract prices paid therefor plus twenty-five per centum to cover the cost of purchase, inspection, and so forth, the Medical Department of the Army may sell for cash to the American National Red Cross such medical supplies and equipments as can be spared without detriment to the military service. *Act of Mar. 4, 1915 (38 Stat. 1080).*

775b. *Loan of sanitary equipment of Army and Navy to American Red Cross.*—The Secretary of War and the Secretary of the Navy be, and are hereby, authorized to issue, each at his discretion and under proper regulations to be prescribed by him, out of equipment for medical and other establishments on hand, belonging to the Government and which can be temporarily spared, such articles as may appear to be required for instruction and practice by organizations

formed by the American National Red Cross, for the purpose of rendering aid to the Army and Navy in war. *Joint resolution No. 15, May 8, 1914 (38 Stat. 771).*

775c. *Same—Return to be provided for, and bond to be required.*—The regulations prescribed by the Secretary of War or by the Secretary of the Navy, in pursuance of the authority granted by section one, shall provide for the immediate return of the articles of equipment loaned the American National Red Cross when called for by the authority which issued them; and the said Secretaries shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof and for the return of the same when required. *Sec. 2, Id.*

775d. *Same—Extended for instruction of persons who may volunteer for training within certain period.*—The provisions of section one of the joint resolution approved May eighth, nineteen hundred and fourteen, authorizing the issue of military and naval equipment to the American National Red Cross be, and they are hereby, so extended as to permit the issue of the same to the American National Red Cross for the instruction of persons who may volunteer to receive training by that association from May first to June first, nineteen hundred and sixteen. *Joint resolution of May 18, 1916 (39 Stat. 164).*

775e. *Sales of medical supplies to civilian employees.*—Hereafter civilian employees of the Army stationed at military posts may, under regulations to be made by the Secretary of War, purchase necessary medical supplies when prescribed by a medical officer of the Army. *Act of Apr. 23, 1904 (33 Stat. 273).*

775f. *Proceeds of sales of medical and hospital supplies, disposition of.*—Hereafter all moneys arising from dispositions of serviceable medical and hospital supplies authorized by law and regulation shall constitute one fund on the books of the Treasury Department, which shall be available to replace medical and hospital supplies throughout the fiscal year in which the dispositions were effected and throughout the following fiscal year. *Act of June 12, 1906 (34 Stat. 256).*

775g. *Settlement of accounts between other bureaus of War Department, etc., and Medical Department.*—Hereafter in the settlement of accounts between the appropriations of the Medical Department and those of any other branch of the Army service, or any bureau or office of the War Department, or any other executive department or establishment of the Government, payment thereof may be made by the proper disbursing officer of the Medical Department or of the branch of the Army service, office, bureau, department, or establishment concerned. *Act of Mar. 4, 1915 (38 Stat. 1080).*

776a. *Hospital care Canal Zone garrison; rate of commutation of rations and appropriation from which payable.*—For paying the Panama Canal such reasonable charges, exclusive of subsistence, as may be approved by the Secretary of War for caring in its hospitals for officers, enlisted men, military prisoners, and civilian employees of the Army admitted thereto upon the request of proper military authority: *Provided*, That the subsistence of the said patients, except commissioned officers and acting dental surgeons, shall be paid to said hospitals out of the appropriation for subsistence of the Army at the rates provided therein for commutation of rations for enlisted patients in general hospitals. *Act of Mar. 4, 1915 (38 Stat. 1080).*

For similar provision in deficiencies Act, see Act of Mar. 4, 1915, 38 Stat. 1084).

776b. *Same.*—For paying the Panama Canal such reasonable charges, exclusive of subsistence, as may be approved by the Secretary of War for caring in its hospitals for officers, enlisted men, military prisoners, and civilian employees of the Army admitted thereto upon the request of proper military authority: *Provided*, That the subsistence of the said patients, except commissioned officers and acting dental surgeons, shall be paid to said hospitals out of the appropriation for subsistence of the Army at the rates provided therein for commutation of rations for enlisted patients in general hospitals. *Act of Aug. 29, 1916 (39 Stat. 640).*

(For similar provision see act of May 12, 1917, 40 Stat. 61.)

776c. *Allowance for keeping and feeding prisoners, provision restricting amount suspended.*—That portion of the Act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June thirtieth, nineteen hundred and eighteen,[1] which provides "that no more than 50 cents per day for the keeping and feeding of each prisoner while actually confined shall be allowed or paid for any such keeping and feeding," shall not be operative during the fiscal year nineteen hundred and eighteen. *Act of Oct. 6, 1917 (40 Stat. 346).*

776d. *Medical care and treatment in private hospitals of officers, enlisted men, civilian employees, and prisoners of war; exceptions.*—For medical care and treatment not otherwise provided for, including care and subsistence in private hospitals, of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract: *Provided*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough. *Act of May 12, 1917 (40 Stat. 60).*

[1] See 39 Stat. 1058.

783a. *Application for trusses.*—Application for such truss shall be made by the ruptured soldier to an examining surgeon for pensions, whose duty it shall be to examine the applicant, and when found to have a rupture or hernia to prepare and forward to the Surgeon General an application for such truss without charge to the soldier. *Sec. 1117, R. S.*

783b. *Purchase of trusses.*—The Surgeon General is authorized and directed to purchase the trusses required for such soldiers at wholesale prices, and the cost of the same shall be paid upon the requisition of the Suregon General out of any moneys in the Treasury not otherwise appropriated. *Sec. 1178, R. S.*

CHAPTER XX.

THE CORPS OF ENGINEERS.

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784a. *Composition of.*—The Corps of Engineers shall consist of one Chief of Engineers, with the rank of brigadier general;[1] twenty-three colonels; thirty lieutenant colonels; seventy-two majors; one hundred and fifty-two captains; one hundred and forty-eight first lieutenants; seventy-nine second lieutenants; and the enlisted men hereinafter enumerated. The Engineer troops of the Corps of Engineers shall consist of one band, seven regiments, and two mounted battalions. *Sec. 11, Act of June 3, 1916 (39 Stat. 173).*

[1] For authorization for 1,000 additional sergeants for detail from the Infantry, Cavalry, Field Artillery, Corps of Engineers, Coast Artillery Corps, Medical Department, and Signal Corps of the Regular Army, with corresponding organizations of the National Guard, to assist in the instruction of its personnel and the care of property, and the similar detail of 100 additional sergeants with the disciplinary organizations at the United States disciplinary barracks, see paragraph 1332a.)

786a. *Vacancies, appointment to, under existing law; officers of Army or Navy may become candidates for appointment to, without*

[1] For provision in section 3, act of October 6, 1917, giving the Chief of Engineers the rank, pay, and allowances of major general see paragraph 373a, ante.

vacating their commissions.—Appointments to the grade of second lieutenant in the Corps of Engineers, including those created by this Act, shall continue to be made as now provided by law, but that officers of the Army or Navy of the United States may become candidates for said appointments under the provisions of section five of the Act of Congress approved February twenty-seventh, nineteen hundred and eleven,[1] without previously vacating their commissions as officers, and that the Secretary of War may, in his discretion, allow persons to become candidates without previously establishing eligibility for appointment as junior engineer under the Engineer Bureau of the War Department. *Sec. 24, Id. 183.*

(For the provisions of this section preceding this paragraph, see paragraphs 331b, 331c, 331d, 331e, and 331f, and for the provision immediately following, see paragraph 331g.)

790a. *Regimental organization.*—Each regiment of Engineers shall consist of one colonel; one lieutenant colonel; two majors; eleven captains; twelve first lieutenants; six second lieutenants; two master engineers, senior grade; one regimental sergeant major; two regimental supply sergeants; two color sergeants; one sergeant bugler; one cook; one wagoner for each authorized wagon of the field and combat train, and two battalions. *Sec. 11; Id. 172.*

(For preceding provision of this section see paragraph 784a.)

790b. *Battalion and company organizations.*—Each battalion of a regiment of Engineers shall consist of one major; one captain; one battalion sergeant major; three master engineers, junior grade; and three companies. Each Engineer company (regimental) shall consist of one captain; two first lieutenants; one second lieutenant; one first sergeant; three sergeants, first class; one mess sergeant; one supply sergeant; one stable sergeant; six sergeants; twelve corporals; one horseshoer; two buglers; one saddler; two cooks; nineteen privates, first class; and fifty-nine privates.[2] *Id.*

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[1] See paragraph 785, ante.

[2] A company commander of Engineers inquired whether he was correct in placing on the rolls as privates the names of reservists recalled to the colors for active duty and assigned to his company, when such reservists had been furloughed as first-class privates, or if he should have carried them as attached privates, first class, and assigned them to the first vacancies in that grade. His doubt was due to the fact that section 11 of the national-defense act of June 3, 1916, specifies as a component part of an Engineer company, first-class privates and privates, whereas the old law (sec. 11 of the act of Feb. 2, 1901) prescribed first-class privates and second-class privates.

Held, that it evidently was not the intention of Congress by the change in the designation of the two grades mentioned to abolish the old grades and create new ones, since the pay remains the same, and section 28 of the national-defense act, which declares that "hereafter the monthly pay of men of certain grades of the Army created in this act shall be as follows, namely," does not include the grade of private, first class, Engineer Corps, nor private, Engineer Corps, and that therefore the reservists referred to by the company commander should have been carried on the rolls as privates, first class, Engineer Corps, and paid as such, in accordance with the provisions of paragraph 86 of the Regulations for the Regular Army Reserve, 1916. (War Dept. Bull. 26, May 7, 1917.)

790c. *Same—President may increase regimental, battalion, and company organizations.*—The President may, in his discretion, increase a regiment of Engineers by two master engineers, senior grade, and two sergeants; each battalion of a regiment of Engineers by three master engineers, junior grade; and each Engineer company (regimental) by two sergeants, six corporals, one cook, twelve privates, first class, and thirty-four privates. *Id.*

(For the ensuing provision of this section see paragraph 792a.)

790d. *Same—Battalion and company organizations of mounted Engineers.*—Each battalion of mounted Engineers shall consist of one major; five captains; seven first lieutenants; three second lieutenants; one master engineer, senior grade; one battalion sergeant major; one battalion supply sergeant; three master engineers, junior grade; one corporal; one wagoner for each authorized wagon of the field and combat train; and three mounted companies. Each mounted Engineer company shall consist of one captain; two first lieutenants; one second lieutenant; one first sergeant; two sergeants, first class; one mess sergeant; one supply sergeant; one stable sergeant; four sergeants; eight corporals; two horseshoers; one saddler; two cooks; two buglers; twelve privates, first class; and thirty-seven privates. *Id.* 174.

(For the provisions of this section immediately preceding this paragraph, see paragraph 792a.)

790e. *Same—President may increase battalion and company organizations of mounted Engineers.*—The President may, in his discretion, increase the battalions of mounted Engineers by one master engineer, senior grade; two sergeants; and three master engineers, junior grade; and a mounted Engineer company by two sergeants; three corporals; eight privates, first class; and twenty-four privates. *Id.*

790f. *Detail of officers from Corps of Engineers for command of regiments, battalions, and companies.*—Appropriate officers to command the regiments, battalions, and companies herein authorized and for duty with and as staff officers of such organizations shall be detailed from the Corps of Engineers, and shall not be in excess of the numbers in each grade enumerated in this section. *Id.*

791a. *Part of line of Army.*—The enlisted force of the Corps of Engineers and the officers serving therewith shall constitute a part of the line of the Army. *Id.*

792a. *Band, composition of.*—The Engineer band shall consist of one band leader; one assistant band leader; one first sergeant; two band sergeants; four band corporals; two musicians, first class; four musicians, second class; thirteen musicians, third class; and two cooks. *Id.*

(For provisions of this section preceding this paragraph, see paragraphs 784a, 790a, 790b, and 790c, and for the provisions following it see paragraphs 790d, 790e, 790f, and 791a.

LANDS FOR MILITARY PURPOSES.

802a. *Condemnation proceedings.*—Hereafter the Secretary of War may cause proceedings to be instituted in the name of the United States, in any court having jurisdiction of such proceedings for the acquirement by condemnation of any land, temporary use thereof or other interest therein, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications, coast defenses, and military training camps, such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the States wherein the proceedings may be instituted.[1] *Act of July 2, 1917 (40 Stat. 241).*

(See also paragraphs 1274k–1274p, post.)

802b. *Same—Purchase of at an agreed price.*—When the owner of such land, interest or rights pertaining thereto shall fix a price for the same, which, in the opinion of the Secretary of War, shall be reasonable, he may purchase or enter into a contract for the use of the same at such price without further delay. *Id.*

802c. *Same—Acceptance of donation of lands.*—The Secretary of War is hereby authorized to accept on behalf of the United States donations of land and the interest and rights pertaining thereto required for the above-mentioned purposes. *Id.*

802d. *Same—Examination of title, etc., prior to possession waived in time of war.*—When such property is acquired in time of war or the imminence thereof upon the filing of the petition for the condemnation of any land, temporary use thereof or other interest therein or right pertaining thereto to be acquired for any of the purposes aforesaid, immediate possession thereof may be taken to the extent of the interest to be acquired and the lands may be occupied and used for military purposes, and the provision of section three hundred and fifty-five[2] of the Revised Statutes, providing that no public money shall be expended upon such land until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land is located has been given, shall be, and the same are hereby, suspended during the period of the existing emergency. *Id.*

(See also paragraphs 1274o and 1274p, post.)

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[1] Authority "for the acquirement by condemnation of any land, temporary use thereof, or other interest therein, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications, coast defenses, and military training camps," is found in the act of July 2, 1917 (40 Stat. 241). When land is to be acquired for purposes other than those above specified, authority for their acquisition must be sought elsewhere, e. g., the Signal Corps, act of July 24, 1917 (40 Stat. 243); the act of October 6, 1917 (40 Stat. 345), and the act of August 1, 1888 (25 Stat. 357). (Dig. Opin. J. A. G., February, 1918.)

[2] See paragraph 258, ante.

808a. *Per diem rate of $4 per day in lieu of subsistence for persons traveling outside District of Columbia, etc., whose expenses are chargeable to Army appropriation Act.*—Where the expenses of persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty are chargeable to appropriations of the Engineer Department contained in the Army appropriation Act for the fiscal year nineteen hundred and seventeen, a per diem rate of $4 may be allowed in lieu of subsistence. *Act of Aug. 29, 1916 (39 Stat. 642).*

808b. *Military surveys and maps, assistance of United States Geological Survey, Coast and Geodetic Survey, etc., in making.*—The Secretary of War is authorized to secure the assistance, wherever practicable, of the United States Geological Survey, the Coast and Geodetic Survey, or other mapping agencies of the Government in this work[1] and to allot funds therefor to them from this appropriation. *Act of Oct. 6, 1917 (40 Stat. 365).*

[1] The execution of topographic or other surveys, the securing of such extra topographic data as may be required, and the preparation and printing of maps required for military purposes.

CHAPTER XXI.

THE ORDNANCE DEPARTMENT—ARMORIES AND ARSENALS—BOARD OF ORDNANCE AND FORTIFICATION.

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THE ORDNANCE DEPARTMENT.

809a. *Composition of.*—The Ordnance Department shall consist of one Chief of Ordnance, with the rank of brigadier general;[1] ten colonels; fifteen lieutenant colonels; thirty-two majors; forty-two captains; forty-two first lieutenants; the ordnance sergeants, as now authorized by law, and such other enlisted men of grades now authorized by law as the President may direct. *Sec. 12, Act of June 3, 1916 (39 Stat. 174).*

(For the ensuing provision of this section see paragraph 820a.)

809b. *Same—Immediate increase authorized.*—Section twenty-four of the national-defense Act approved June third, nineteen hundred and sixteen, is so amended as to authorize the President to organize immediately the whole of the increase in the Ordnance Department authorized by section twelve of said Act, or such part thereof as he may deem necessary. *Act of May 12, 1917 (40 Stat. 47), amending Sec. 24, Act of June 3, 1916 (39 Stat. 182).*

812a. *Details.*—Vacancies which may occur in the commissioned personnel of the Ordnance Department shall be subject to the provisions of sections twenty-six and twenty-seven of the Act approved February second, nineteen hundred and one, the Acts approved June twenty-fifth, nineteen hundred and six, and February twenty-fourth, nineteen hundred and fifteen, and Acts amendatory thereof relating to the Ordnance Department. *Sec. 12, Act of June 3, 1916 (39 Stat. 174).*

(For the provision of this section immediately preceding this paragraph see paragraph 820a, and for the ensuing provision of the section see paragraph 813b.)

813a. *Detail of majors for duty in.*—Majors may be detailed in the Ordnance Department, under section twenty-six of the Act approved February second, nineteen hundred and one, and Acts amendatory thereof,[2] without a compulsory period of service out of that department. *Act of Feb. 24, 1915 (38 Stat. 812).*

813b. *Detail of not to exceed thirty student officers in establishments of the Ordnance Department.*—Hereafter the Secretary of War is authorized to detail not to exceed thirty lieutenants from the Army at large for duty as student officers in the establishments of the Ordnance Department for a period of two years; and the completion of the prescribed course of instruction shall constitute the examination for detail in the Ordnance Department. *Sec. 12, Act of June 3, 1916 (39 Stat. 174).*

(For provisions of this section preceding this paragraph see paragraphs 809a, 820a, and 812a.)

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[1] For provision in section 3, act of October 6, 1917, giving the Chief of Ordnance the rank, pay, and allowance of major general, see paragraph 373a, ante.

[2] See pars, 373–385, ante.

820a. *Ordnance sergeants, qualifications and appointment.*—Ordnance sergeants shall be selected by the Secretary of War from the sergeants of the line or Ordnance Department who shall have served faithfully for eight years, including four years in the grade of noncommissioned officers. *Id.*

(For the provision of this section preceding this paragraph see paragraph 820a, and for ensuing provision see paragraph 812a.)

822a. *Chief of Ordnance member of commission on manufacture of Government articles by prisoners at United States penitentiaries.*—There is created a commission, to be composed of the Chief of Ordnance of the United States Army, the Chief of Ordnance of the United States Navy, the superintendent of prisons of the Department of Justice, and the purchasing agent of the Post Office Department, who shall serve without additional compensation and who shall report to Congress not later than the first Monday in December, nineteen hundred and sixteen, detailed estimates and plans for equipping the United States penitentiaries for the manufacture, by the prisoners, of various articles used by the Government. Such report shall indicate what articles it is thought desirable to be so manufactured; the cost of equipping existing buildings and the erection and equipping of any other necessary buildings; the probable cost of manufacture of such articles and the price now paid under contract; and such other data as may be pertinent to the general inquiry. For expenses of the commission, to be paid on vouchers to be approved by the chairman, who shall be selected by the members thereof, $5,000. *Act of Sept. 8, 1916 (39 Stat. 819).*

825a. *Public quarters—Occupancy by ordnance officer of brick house at proving ground not occupancy of.*—Hereafter the occupancy by such officers, providing themselves with quarters elsewhere, of one room in the building at the proving ground locally known as the brick house, shall not be construed as occupancy of public quarters within the meaning of this Act and of the law authorizing allowance and commutation of quarters. *Act of Mar. 3, 1915 (38 Stat. 939).*

825b. *Same—Per diem expenses of officers not occupying.*—For necessary expenses of officers not occupying public quarters at the proving ground while employed on ordnance duty thereat, at the rate of $2.50 per diem while so employed. *Id.*

831a. *Ammunition, etc., for small-arms target practice, instruction of civilians, etc.*—For manufacture and purchase of ammunition, targets, and other accessories for small-arms, hand, and machine-gun target practice and instruction; marksmen's medals, prize arms, and insignia for all arms of the service; and ammunition, targets, target materials, and other accessories may be issued for small-arms target practice and instruction of able-bodied males capable of bearing arms

and at the educational institutions and State soldiers' and sailors' orphans' homes to which issues of small arms are lawfully made, under such regulations as the Secretary of War may prescribe, provided the total value of the stores so issued to the educational institutions and homes does not exceed $30,000, $3,000,000.

Provided, That not more than $1,500,000 of this appropriation may be used for the purchase of articles not manufactured by the Government and necessary for small-arms target practice. *Act of Aug. 29, 1916 (39 Stat., 643)*.

832a. *Officers of Ordnance Department accountable for public moneys may designate other officers to disburse same, accountability for.*—During the present emergency, under such regulations as may be prescribed by the Secretary of War, officers of the Ordnance Department accountable for public moneys may intrust moneys to other officers for the purpose of having them make disbursements as their agents, and the officers to whom the money is intrusted, as well as the officers who intrust it to them, shall be held pecuniarily responsible therefor to the United States. *Act of Oct. 6, 1917 (40 Stat. 367)*.

844a. *Sale of ordnance and ordnance stores to Government of Cuba.*—The Secretary of War is hereby authorized to sell, at the prices fixed and published by the Chief of Ordnance, to the Government of Cuba such articles and quantities of ordnance and ordnance stores as may be desired by that Government for the equipment of its troops and as may be approved by the President of the United States. *Act of Aug. 29, 1916 (39 Stat. 643)*.

849a. *Condemned cannon, etc., donated to patriotic organizations, etc., Government not to transport, and to remain subject to orders of Secretary of War.*—No expense shall be incurred by the United States through the delivery of any of the foregoing condemned military equipment: *And provided further*, That each and every article of condemned military equipment covered by this Act shall be subject at all times to the order of the Secretary of War. *Act of Mar. 4, 1915 (38 Stat. 1212)*.

849b. *Same.*—No expense shall be incurred by the United States through the delivery of any of the foregoing condemned military equipment: *Provided further*, That each and every article of condemned military equipment covered by this Act shall be subject at all times to the order of the Secretary of War. *Act of Sept. 8, 1916 (39 Stat. 843)*.

854a. *Additional compensation for master armorer at Springfield Armory.*—In addition to the compensation now allowed and paid to the master armorer at the national armory in Springfield, Massachusetts, there shall be paid to him, from and after the passage of this Act, further compensation at the rate of one thousand dollars per annum during such time as he shall perform the duties of

master machinist at said armory in addition to those of master armorer. *Act of Aug. 5, 1882 (22 Stat. 299).*

856b. *Repeal of provision for monthly pay.*—The following provision contained in the Act approved April twenty-third, nineteen hundred and four, "Hereafter all employees of the Ordnance Department whose compensation is annual shall be paid monthly," is hereby repealed.[1] *Act of May 12, 1917 (40 Stat. 74).*

857a. *Certain appropriations available for allowance in lieu of subsistence for civilians traveling outside of the District.*—The appropriations hereinbefore made under the heading "Ordnance Department" shall be available for the payment of an allowance not to exceed $4 per day in lieu of subsistence to civilian employees of the Ordnance Department traveling on official business outside of the District of Columbia and away from their designated posts of duty. *Act of Mar. 4, 1915 (38 Stat. 1084.)*

857b. *Same.*—The appropriations hereinbefore made under the heading "Ordnance Department" shall be available for the payment of an allowance not to exceed $4 per day in lieu of subsistence to civilian employees of the Ordnance Department traveling on official business outside of the District of Columbia and away from their designated posts of duty. *Act of Aug. 29, 1916 (39 Stat. 644).*

857c. *Salaries of clerks at Springfield Armory.*—On and after the passage of this act, in lieu of compensation now allowed to the clerks at the United States armory in Springfield, Massachusetts, including fuel and quarters, there shall be paid to each of said clerks an annual salary of one thousand six hundred and fifty dollars. *Act of June 23, 1874 (18 Stat. 282).*

857d. *Leaves of absence to all employees.*—Each and every employee of the navy yards, gun factories, naval stations, and arsenals of the United States Government is hereby granted thirty days' leave of absence each year, without forfeiture of pay during such leave. *Act of Aug. 29, 1916 (39 Stat. 617).*

857e. *Same—Pro rata leave.*—It shall be lawful to allow pro rata leave only to those serving twelve consecutive months or more. *Id.*

857f. *Same—Discretion as to time when can be allowed.*—In all cases the heads of divisions shall have discretion as to the time when the leave can best be allowed. *Id.*

857g. *Same—Total annual leave with pay.*—Not more than thirty days' leave with pay shall be allowed any such employee in one year. *Id., 618.*

857h. *Same—Sick leave and holidays not affected.*—This provision shall not be construed to deprive employees of any sick leave or legal holidays to which they may now be entitled under existing law. *Id.*

[1] 33 Stat. 276.

857i. *Accrued leaves of absence to civilian employees of Ordnance Department serving abroad.*—Hereafter any civilian employee of the Ordnance Department who is a citizen of the United States and employed at any station outside the continental limits of the United States may, in the discretion of the Secretary of War, after at least two years' continuous, faithful, and satisfactory service abroad, and subject to the interests of the public service, be granted accrued leave of absence, with pay, for each year of service, and if an employee should elect to postpone the taking of any or all of the leave to which he may be entitled in pursuance hereof such leave may be allowed to accumulate for a period of not exceeding four years, the rate of pay for accrued leave to be the rate obtaining at the time the leave is granted. *Act of May 12, 1917 (40 Stat. 65).*

864a. *Taylor system—No salary to be paid officer, superintendent, manager, or foreman using.*—No part of the appropriations made in this bill shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made, with a stop watch or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this bill be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and no claim for services performed by any person while violating this proviso shall be allowed. *Act of Mar. 4, 1915 (38 Stat. 1083).*

864b. *Same.*—No part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this Act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.[1] *Act of Aug. 29, 1916 (39 Stat. 648.)*

[1] For similar provisions in the current sundry civil, fortifications, and naval appropriations acts, see 39 Stats. 336, 351, and 619; also sec. 6, act of Feb. 14, 1917 (39 Stat. 914); act of Mar. 4, 1917 (39 Stat. 1194); and acts of May 12 and June 12, 1917 (40 Stat. 70, 180).

CHAPTER XXII.

THE SIGNAL CORPS.

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THE SIGNAL CORPS.

879a. ***Composition of and details to the Aviation Section.***—The Signal Corps shall consist of one Chief Signal Officer, with the rank of brigadier general;[1] three colonels; eight lieutenant colonels; ten majors; thirty captains; seventy-five first lieutenants; and the Aviation Section, which shall consist of one colonel; one lieutenant colonel; eight majors; twenty-four captains; and one hundred and fourteen first lieutenants, who shall be selected from among officers of the Army at large of corresponding grades or from among officers of the grade below, exclusive of those serving by detail in staff corps or departments, who are qualified as military aviators, and shall be detailed to serve as aviation officers for periods of four years unless sooner relieved; and the provisions of section twenty-seven of the Act of Congress approved February second, nineteen hundred and one, are hereby extended to apply to said aviation officers and to vacancies created in any arm, corps, or department of the Army by the detail of said officers therefrom; but nothing in said Act or in any other law now in force shall be held to prevent the detail or redetail at any time, to fill a vacancy among the aviation officers au-

[1] For provision in section 3, Act of October 6, 1917, giving the Chief Signal Officer the rank, pay, and allowances of major general, see paragraph 373a, ante.

thorized by this Act, of any officer who, during prior service as an aviation officer of the Aviation Section, shall have become proficient in military aviation. *Sec. 13, Act of June 3, 1916 (39 Stat. 174).*

(For the ensuing provision of this section see paragraph 889o.)

879b. *Increase of commissioned and enlisted strength, including Aviation Section.*—For and during the existing emergency, the President be, and is hereby, authorized to increase the present authorized commissioned and enlisted strength of the Signal Corps of the Army, including the Aviation Section thereof. *Sec. 1, Act of July 24, 1917 (40 Stat. 243).*

879c. *Same—Temporary officers, appointment, etc.*—To provide the additional commissioned personnel required by this Act the President is authorized to promote, appoint, detail, or attach as temporary officers in the Signal Corps, including the Aviation Section thereof, officers of the Regular Army, National Army, or National Guard, or the Officers' Reserve Corps, or to appoint temporarily enlisted men of the Regular Army, enlisted men of the Enlisted Reserve Corps, or persons from civil life. *Sec. 2, id.*

879d. *Same—Examination prior to appointment, promotion or detail.*—No person shall be so promoted, appointed, detailed, or attached until he shall have been found physically, mentally, and morally qualified under regulations prescribed by the Secretary of War. *Id.*

879e. *Same—Appointment by President, and by President with consent of Senate.*—Officers with rank not above colonel shall be appointed and commissioned by the President alone, irrespective of the rank or grade held by them on the date of the passage of this Act, and that officers above the grade of colonel shall be appointed by the President, by and with the advice and consent of the Senate, irrespective of the rank or grade held by them on the date of the passage of this Act. *Id.*

(For sections 3 and 4 of this act see paragraphs 890d–890j, post.)

879f. *Appointment of general officers for, including Aviation Section*—The President, by and with the advice and consent of the Senate, is authorized to appoint for the period of the existing emergency such general officers of appropriate grades as may be necessary for staff duty and for duty with such brigades and divisions of the troops of the Signal Corps, including the Aviation Section thereof, as may be organized by the President. *Sec. 5, Id., 244.*

879g. *Vacancies in Regular Army, etc., from temporary appointments to Signal Corps.*—Vacancies in all grades of the Regular Army, National Army, or National Guard resulting from the temporary appointment of officers thereof to higher grades shall be filled or vacated as provided for in sections eight and nine[1] of the

[1] See paragraphs 1663–1667, post.

Act authorizing the President to increase temporarily the military establishment of the United States and approved May eighteenth, nineteen hundred and seventeen. *Id.*

(For section 6 and 7 of this act see paragraphs 889jj-889oo, post.)

879h. *Pay, allowances, etc., of temporary officers and enlisted men same as for corresponding grades in Regular Army.*—All officers and enlisted men of the temporary forces of the Signal Corps, including the Aviation Section thereof provided for herein, shall be in all respects on the same footing as to pay, allowances, and pensions as permanent officers and enlisted men of corresponding grades and length of service in the Regular Army. *Sec. 8, Id., 245.*

879i. *Present authorized strength of Regular or National Army not to be decreased.*—Nothing in this Act shall operate to decrease the present authorized strength of the Regular Army or National Army heretofore authorized by law. *Id.*

879j. *Officers' and Enlisted Reserve Corps of Aviation Section, pay, etc.*—Also to pay and otherwise provide for such officers of the Officers' Reserve Corps of the Aviation Section of the Signal Corps and such enlisted men of the Enlisted Reserve Corps of the Aviation Section of the Signal Corps as may be called into active service and such enlisted men as may be enlisted in the Aviation Section of the Signal Corps under the provisions of section two[1] of the Act to increase temporarily the military establishment of the United States, approved May eighteenth, nineteen hundred and seventeen, or any subsequent Act temporarily increasing the commissioned or enlisted personnel of the Aviation Section of the Signal Corps and such civilian employees as may be necessary, for the payment of their traveling and other necessary expenses when not traveling with troops. *Sec. 9, Id., 246.*

(For the preceding provisions of this section see paragraphs 889pp-889uu, and 1203h, post, and for the ensuing provisions see paragraphs 889vv-889yy, post.)

879k. *Same—Payments to be made by disbursing officers, Quartermaster Corps.*—Hereafter all reserve officers and enlisted men of the Aviation Section of the Signal Corps shall be paid by Quartermaster Corps disbursing officers from funds transferred to their credit from Signal Corps appropriations. *Id.*

(For the ensuing provision of this section see paragraph 889vv, post.)

883a. *Exchange of typewriters and adding machines.*—Hereafter the Signal Corps may exchange typewriters and adding machines in the purchase of similar equipment. *Act of Mar. 4, 1915 (38 Stat. 1064).*

[1] See paragraph 1641, post.

AVIATION SECTION.

889a. *Created, duties, etc.*—There shall hereafter be, and there is hereby created, an Aviation Section, which shall be a part of the Signal Corps of the Army, and which shall be, and is hereby, charged with the duty of operating or supervising the operation of all military aircraft, including balloons and aeroplanes, all appliances pertaining to said craft, and signaling apparatus of any kind when installed on said craft; also with the duty of training officers and enlisted men in matters pertaining to military aviation. *Sec. 1, Act of July 18, 1914 (38 Stat. 514).*

889b. *Same—Officers and enlisted men provided for to be additional to regular corps allotment.*—In addition to such officers and enlisted men as shall be assigned from the Signal Corps at large to executive, administrative, scientific, or other duty in or for the Aviation Section, there shall be in said section aviation officers not to exceed sixty in number and two hundred and sixty aviation enlisted men of all grades; and said aviation officers and aviation enlisted men, all of whom shall be engaged on duties pertaining to said Aviation Section, shall be additional to the officers and enlisted men now allotted by law to the Signal Corps, the commissioned and enlisted strengths of which are hereby increased accordingly. *Sec. 2, id.*

889c. *Same—Details from line officers, tour of service, and redetail of proficient aviators.*—The aviation officers provided for in this section shall, except as hereinafter prescribed specifically to the contrary, be selected from among officers holding commissions in the line of the Army with rank below that of captain, and shall be detailed to serve as such aviation officers for periods of four years, unless sooner relieved, and the provisions of section twenty-seven [1] of the Act of Congress approved February second, nineteen hundred and one (Thirty-first Statutes, page seven hundred and fifty-five), are hereby extended so as to apply to said aviation officers and to the vacancies created in the line of the Army by the detail of said officers therefrom, but nothing in said Act or in any other law now in force shall be held to prevent the detail or redetail at any time to fill a vacanacy among the aviation officers authorized by this Act, of any officer holding a commission in the line of the Army with rank below that of captain, and who, during prior service as an aviation officer in the aviation section, shall have become especially proficient in military aviation. *Id.*

889d. *Same—Aviation students, selection, tour of service, etc.; no vacancies created by such detachment.*—There shall also be constantly

[1] See paragraph 383, ante, or 31 Stat. 755.

attached to the aviation section a sufficient number of aviation students to make, with the aviation officers actually detailed in said section under the provisions of this Act, a total number of sixty aviation officers and aviation students constantly under assignment to, or detail in, said section. Said aviation students, all of whom shall be selected on the recommendation of the chief signal officer from among unmarried lieutenants of the line of the Army not over thirty years of age, shall remain attached to the aviation section for a sufficient time, but in no case to exceed one year, to determine their fitness or unfitness for detail as aviation officers in said section, and their detachment from their respective arms of service which under assignment to said section shall not be held to create in said arms vacancies that may be filled by promotions or original appointments. *Id. 515.*

888e. *Same—Details not compulsory in time of peace.*—No person, except in time of war, shall be assigned or detailed against his will to duty as an aviation student or an aviation officer. *Id.*

888f. *Same—Assignment to cease if officer is inefficient, etc.*—Whenever, under such regulations as the Secretary of War shall prescribe and publish to the Army, an officer assigned or detailed to duty of any kind in or with the aviation section shall have been found to be inattentive to his duties, inefficient, or incapacitated from any cause whatever for the full and efficient discharge of all duties that might properly be imposed upon him if he should be continued on duty in or with said section, said officer shall be returned forthwith to the branch of the service in which he shall hold a commission. *Id.*

888g. *Same—Aviation officers rated junior military aviators, etc.*—The aviation officers hereinbefore provided for shall be rated in two classes, to wit, as junior military aviators and as military aviators. Within sixty days after this act shall take effect the Secretary of War may, upon the recommendation of the Chief Signal Officer, rate as junior military aviators any officers with rank below that of captain, who are now on aviation duty and who have, or shall have before the date of rating so authorized, shown by practical tests, including aerial flights, that they are especially well qualified for military aviation service; and after said rating shall have been made the rating of junior military aviator shall not be conferred upon any person except as hereinafter provided. *Sec. 3, id.*

888h. *Same—Rating, increased grade and pay of junior military aviators, aviation students, etc.*—Each aviation student authorized by this act shall, while on duty that requires him to participate regularly and frequently in aerial flights, receive an increase of 25 per centum in the pay of his grade and length of service under his line com-

mission. Each duly qualified junior military aviator shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his line commission, provided that his rank under said commission be not higher than that of first lieutenant, and, while on duty, requiring him to participate regularly and frequently in aerial flights, he shall receive in addition an increase of 50 per centum in the pay of his grade and length of service under his line commission. The rating of military aviator shall not be hereafter conferred upon or held by any person except as hereinafter provided, and the number of officers with that rating shall at no time exceed fifteen. Each military aviator who shall hereafter have duly qualified as such under the provisions of this act shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his line commission, provided that his rank under said commission be not higher than that of first lieutenant, and, while on duty requiring him to participate regularly and frequently in aerial flights, he shall receive in addition an increase of 75 per centum of the pay of his grade and length of service under his line commission. *Id.*

889i. *Same—Personnel of enlisted men, rating of aviation mechanician.*—The aviation enlisted men hereinbefore provided for shall consist of twelve master signal electricians, twelve first-class sergeants, twenty-four sergeants, seventy-eight corporals, eight cooks, eighty-two first-class privates, and forty-four privates. Not to exceed forty of said enlisted men shall at any one time have the rating of aviation mechanician, which rating is hereby established, and said rating shall not be conferred upon any person except as hereinafter provided.[1] *Id., 516.*

889j. *Same—Instruction in art of flying, and increase of pay.*—Twelve enlisted men at a time shall, in the discretion of the officer in command of the aviation section, be instructed in the art of flying, and no enlisted man shall be assigned to duty as an aerial flyer against his will except in time of war. Each aviation enlisted man, while on duty that requires him to participate regularly and frequently in aerial flights or while holding the rating of aviation mechanician, shall receive an increase of fifty per centum in his pay. *Id.*

889k. *Same—Qualification certificates required, examinations for, etc.*—Except as hereinafter provided in the cases of officers now on aviation duty, no person shall be detailed as an aviation officer, or rated as a junior military aviator, or as a military aviator, or as an aviation mechanician, until there shall have been issued to him a

[1] *Held* that aviation enlisted men holding the rating of aviation mechanician are entitled to the increase of pay while on furlough. (War Dept. Bull. 18, July 8, 1916.)

certificate to the effect that he is qualified for the detail or rating, or for both the detail and the rating, sought or proposed in his case, and no such certificate shall be issued to any person until an aviation examining board, which shall be composed of three officers of experience in the aviation service and two medical officers, shall have examined him, under general regulations to be prescribed by the Secretary of War and published to the Army by the War Department, and shall have reported him to be qualified for the detail or rating, or for both the detail and the rating, sought or proposed in his case. *Id.*

3891. *Same—Issue of certificates of qualification.*—The Secretary of War shall cause appropriate certificates of qualification to be issued by The Adjutant General of the Army to all officers and enlisted men who shall have been found and reported by aviation examining boards in accordance with the terms of this act, to be qualified for the details and ratings for which said officers and enlisted men shall have been examined. *Id.*

3891m. *Same—Service as aviation students prior to detail, rating requirements for military aviators, etc.*—Except as hereinbefore provided in the cases of officers who are now on aviation duty and who shall be rated as junior military aviators as hereinbefore authorized, no person shall be detailed for service as an aviation officer in the aviation section until he shall have served creditably as an aviation student for a period to be fixed by the Secretary of War; and no person shall receive the rating of military aviator until he shall have served creditably for at least three years as an aviation officer with the rating of junior military aviator. *Id.*

3891n. *Same—Payments in case of death from accident.*—There shall be paid to the widow of any officer or enlisted man who shall die as the result of an aviation accident, not the result of his own misconduct, or to any other person designated by him in writing, an amount equal to one year's pay at the rate to which such officer or enlisted man was entitled at the time of the accident resulting in his death, but any payment made in accordance with the terms of this proviso on account of the death of any officer or enlisted man shall be in lieu of and a bar to any payment under the Acts of Congress approved May eleventh, nineteen hundred and eight, and March third, nineteen hundred and nine (Thirty-fifth Statutes, pages one hundred and eight and seven hundred and thirty-five), on account of death of said officer or enlisted man. *Id.*

3891o. *Aviation officers, ratings of and qualifications for.*—Aviation officers may, when qualified therefor, be rated as junior military aviators or as military aviators, but no person shall be so rated until

there shall have been issued to him a certificate to the effect that he is qualified for the rating, and no certificate shall be issued to any person until an aviation examining board, which shall be composed of three officers of experience in the aviation service and two medical officers, shall have examined him, under general regulations to be prescribed by the Secretary of War and published to the Army by the War Department, and shall have reported him to be qualified for the rating. No person shall receive the rating of military aviator until he shall have served creditably for three years as an aviation officer with the rating of a junior military aviator. *Sec. 13, Act of June 3, 1916 (39 Stat. 175).*

(For the preceding provision of this section see paragraph 879a.)

889p. *Same—Rank and pay of.*—Each aviation officer authorized by this Act shall, while on duty that requires him to participate regularly and frequently in aerial flights, receive an increase of twenty-five per centum in the pay of his grade and length of service under his commission. Each duly qualified junior military aviator shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his commission if his rank under said commission be not higher than that of captain, and while on duty requiring him to participate regularly and frequently in aerial flights he shall receive in addition an increase of fifty per centum in the pay of his grade and length of service under his commission. Each military aviator shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his commission if his rank under said commission be not higher than that of captain, and while on duty requiring him to participate regularly and frequently in aerial flights he shall receive in addition an increase of seventy-five per centum of the pay of his grade and length of service under his commission.[1] *Id.*

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[1] Upon reference for opinion as to whether or not officers of the aviation section, Signal Officers' Reserve Corps, when assigned to duty requiring them to make regular and frequent aerial flights, are entitled to the extra pay authorized under section 13 of the national defense act, approved June 3, 1916.

Held, that as section 39 of the same act provides that Reserve Corps officers, when ordered "to duty with troops or at field exercises, or for instruction," when provision is made therefor, shall, while so serving, "receive the pay and allowances of their respective grades in the Regular Army," and as section 13 of said act specifically provides, with respect to aviation officers, that "each aviation officer authorized by this act shall, while on duty that requires him to participate regularly and frequently in aerial flights, receive an increase of twenty-five per centum in the pay of his grade and length of service under his commission," a Reserve Corps officer of the aviation section assigned to active duty requiring him to make regular and frequent aerial flights is entitled to receive the increased pay authorized for such duty, as such officer comes within the description, "each aviation officer authorized by this act." (War Dept. Bull. 18, April 6, 1917.)

Upon the question raised as to whether or not officers required to make regular and frequent aerial flights in balloons are entitled to extra pay authorized by section 13 of the national defense act of June 3, 1916:

Held, that such officers are entitled to the extra pay authorized by the statute; that the act of July 18, 1914 (38 Stat., 514), creating the aviation

889q. *Same—Increased pay and allowances authorized in Act of March second, nineteen hundred and thirteen, repealed.*—The provisions of the Act of March second, nineteen hundred and thirteen,[1] allowing increase of pay and allowances to officers detailed by the Secretary of War on aviation duty, are hereby repealed. *Id.*

889r. *Married officers of line of Army eligible for detail to aviation duty—Enlisted men of aviation section to be instructed in art of flying.*—Hereafter married officers of the line of the Army shall be eligible equally with unmarried officers and subject to the same conditions for detail to aviation duty; and the Secretary of War shall have authority to cause as many enlisted men of the aviation section to be instructed in the art of flying as he may deem necessary. *Id.*

889s. *Age of officers not a bar to original detail, and neither age nor rank a bar to subsequent details.*—Hereafter the age of officers shall not be a bar to their first detail in the aviation section of the Signal Corps, and neither their age nor their rank shall be a bar to their subsequent details in said section. *Id.*

889t. *Aviator, Signal Corps, appointment of qualified civilians as.*—When it shall be impracticable to obtain from the Army officers suitable for the aviation section of the Signal Corps in the number allowed by law, the difference between that number and the number of suitable officers actually available for duty in said section may be made up by appointments in the grade of aviator, Signal Corps, and that grade is hereby created. The personnel for said grade shall be obtained from especially qualified civilians who shall be appointed and commissioned in said grade. *Id.*

889u. *Same—Pay and provision for discharge of.*—Whenever any aviator shall have become unsatisfactory he shall be discharged from the Army as such aviator. The base pay of an aviator, Signal Corps, shall be $150 per month, and he shall have the allowances of a master signal electrician and the same percentage of increase in pay for length of service as is allowed to a master signal electrician. *Id.*

(For the ensuing provision of this section see paragraph 890a.)

section and prescribing the duties of the same expressly charged that section with the duty "of operating or supervising the operation of all military aircraft, including balloons and aeroplanes"; that in authorizing the increase of pay to officers on duty requiring them "to participate regularly and frequently in aerial flights," the act made no distinction as to the kind of aerial craft; and that the national defense act, while dealing with the organization, compensation, etc., of the aviation section, leaves in force the provision of the act of July 18, 1914, prescribing the duties of that section, and, like the act of July 18, 1914, makes no distinction with respect to the character of aerial craft; but the law requires that the officer, while receiving this pay, shall be on duty requiring him to participate regularly and frequently in aerial flights, having regard to the nature of the craft in which such flights are taken; and this must be the real duty of the officer under his assignment. (War Dept. Bull. 28, May 7, 1917.)

[1] Paragraph 889, ante, or 37 Stat. 705.

ADVISORY COMMITTEE FOR AERONAUTICS.

889v. *Composition of.*—An Advisory Committee for Aeronautics is hereby established, and the President is authorized to appoint not to exceed twelve members, to consist of two members from the War Department, from the office in charge of military aeronautics; two members from the Navy Department, from the office in charge of naval aeronautics; a representative each of the Smithsonian Institution, of the United States Weather Bureau, and of the United States Bureau of Standards; together with not more than five additional persons who shall be acquainted with the needs of aeronautical science, either civil or military, or skilled in aeronautical engineering or its allied sciences. *Act of Mar. 3 1915 (38 Stat. 930).*

889w. *Same—No compensation for members.*—The members of the Advisory Committee for Aeronautics, as such, shall serve without compensation. *Id.*

889x. *Same—Duty to supervise research, etc.*—It shall be the duty of the Advisory Committee for Aeronautics to supervise and direct the scientific study of the problems of flight, with a view to their practical solution, and to determine the problems which should be experimentally attacked, and to discuss their solution and their application to practical questions. In the event of a laboratory or laboratories, either in whole or in part, being placed under the direction of the committee, the committee may direct and conduct research and experiment in aeronautics in such laboratory or laboratories. *Id.*

889y. *Same—Rules of conduct for.*—Rules and regulations for the conduct of the work of the committee shall be formulated by the committee and approved by the President. *Id.*

889z. *Same—Appropriation for experimental work, etc.*—The sum of $5,000 a year, or so much thereof as may be necessary, for five years is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for experimental work and investigations undertaken by the committee, clerical expenses and supplies, and necessary expenses of members of the committee in going to, returning from, and while attending, meetings of the committee. *Id.*

889aa. *Same—Annual report to include itemized statement of expenditures.*—An annual report to the Congress shall be submitted through the President, including an itemized statement of expenditures. *Id.*

889bb. *Appropriation for purchase, manufacture, etc., of airships and other aerial machines for the Aviation Section.*—Not more than $13,281,666 of the foregoing appropriation[1] shall be used for the

[1] The appropriation referred to is one of $14,281,766 for the Signal Service of the Army.

purchase, manufacture, maintenance, operation, and repair of airships and other aerial machines and accessories necessary in the Aviation Section; and for the purchase, maintenance, repair, and operation of motor-propelled, passenger-carrying vehicles which may be necessary for the Aviation Section. *Act of Aug. 29, 1916 (39 Stat. 622).*

889cc. *Appropriation for payment of officers and enlisted men of the Aviation Section, Officers' Reserve Corps and Enlisted Reserve Corps, when called into active service.*—Of the sum last above mentioned $900,000, or so much thereof as may be necessary, will be available for paying and otherwise providing for such officers of the Officers' Reserve Corps of the Aviation Section of the Signal Corps and such enlisted men of the Enlisted Reserve Corps of the Aviation Section of the Signal Corps as may be called into active service. *Id.*

889dd. *Appropriation for development of suitable type of aviation motor.*—Not to exceed $50,000 of the above sum will be available for the payment of all expenses in connection with the development of a suitable type of aviation motor, under such regulations as the Secretary of War may prescribe. *Id.*

889ee. *Secretary of War to receive officers and enlisted men of Coast Guard for instruction in aviation at aviation schools.*—At the request of the Secretary of the Treasury the Secretaries of War and Navy are authorized to receive officers and enlisted men of the Coast Guard for instruction in aviation at any aviation school maintained by the Army and Navy, and such officers and enlisted men shall be subject to the regulations governing such schools. *Id., 601.*

889ff. *Obtaining basic patents for manufacture and development of aircraft.*—To enable the Secretary of War and the Secretary of the Navy to secure by purchase, condemnation, donation, or otherwise, such basic patent or patents as they may consider necessary to the manufacture and development of aircraft in the United States and its dependencies, for governmental and civil purposes, under such regulations as the Secretary of War and the Secretary of the Navy may prescribe, $1,000,000. *Act of Mar. 4, 1917 (39 Stat. 1169).*

889gg. *Same—Purchase arrangements advantageous to Government may be entered into.*—Such arrangements may be made in relation to the purchase of any basic patent connected with the manufacture and development of aircraft in the United States as in the judgment of the Secretary of War and the Secretary of the Navy will be of the greatest advantage to the Government and to the development of the industry. *Id.*

889hh. *Same—Bond to be required where validity of patents is in litigation.*—In the event there shall be pending in court litigation

involving the validity of said patent or patents, bond, with good and approved security in an amount sufficient to indemnify the United States, shall be required, payable to the United States, conditioned to repay to the United States the amount paid for said patent or patents in the event said patent or patents are finally adjudged invalid. *Id., 1170.*

889ii. *Consolidation of balances of appropriation for National Advisory Committee for Aeronautics.*—The balances under the several items of the appropriation "National Advisory Committee for Aeronautics," carried in the Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and seventeen, approved August twenty-ninth, nineteen hundred and sixteen, are hereby consolidated into a single fund and may be expended by the committee for its purposes as stated in the paragraph of Public Act Numbered Two hundred and seventy-one, Sixty-third Congress, approved March third, nineteen hundred and fifteen, establishing the committee. *Id.*

889jj. *Increase in Aviation Section, ratings of aviation officers.*—Officers detailed in or attached to the aviation section of the Signal Corps may, when qualified therefor, be rated as junior military aviators, military aviators, junior military aeronauts, and military aeronauts, but no person shall be so rated until there shall have been issued to him a certificate to the effect that he is qualified for the rating, and no certificate shall be issued to any person until an examining board, which shall be composed of two officers of experience of the aviation section of the Signal Corps and one medical officer, shall have examined him under general regulations to be prescribed by the Secretary of War and published to the Army by the War Department, and shall have reported to him to be qualified for the rating.[1] *Sec. 6, Act of July 24, 1917 (40 Stat. 244).*

(For sections 1 and 2 of this act see paragraphs 879b–879e, ante, and for sections 3 and 4 see paragraphs 890d–890j, post.)

889kk. *Same—length of service for ratings of military aviator and military aeronaut; exception.*—No person shall receive the rating of military aviator or military aeronaut until he shall have served creditably for three years as an aviation officer with the rating of a

[1] Members of the Signal Officers' Reserve Corps promoted, appointed, detailed, or attached to the Aviation Section of the Signal Corps are, if they have the required experience, "officers of experience of the Aviation Section of the Signal Corps" qualified to be members of boards authorized to examine and certify to the qualifications of persons seeking the rating of aviators under section 6 of the act of July 24, 1917. (War Dept. Bull. 72, Dec. 24, 1917.)

An officer of the Regular Army, rated as a junior military aviator, resigned from the Army and was thereafter commissioned temporary captain in the Aviation Section of the Signal Corps. *Held*, that his rating before his resignation can not be continued, his appointment as temporary captain being from civil life. He must qualify as a junior military aviator under Section 6 of the Act of July 24, 1917. (Dig. Opin. J. A. G., January, 1918.)

junior military aviator or the rating of a junior military aeronaut, except that in time of war any officer or enlisted man who specially distinguishes himself in active service may, upon recommendation of the Chief Signal Officer of the Army, be rated as a junior military aviator, military aviator, junior military aeronaut, or military aeronaut without regard to examination or to length of service. *Id.*

889ll. *Same—Increase in rank and pay of aviation officers.*—Junior military aeronauts and military aeronauts shall be entitled to the same increase in rank and pay as are now authorized by law for junior military aviators and military aviators, respectively. *Id.*

889mm. *Same—Increased pay while on duty requiring aerial flights.*—Any officer attached to the aviation section of the Signal Corps for any military duty requiring him to make regular and frequent flights shall receive an increase of twenty-five per centum of the pay of his grade and length of service under his commission. *Id., 245.*

889nn. *Rating of enlisted men in Aviation Section.*—The Secretary of War is authorized from time to time to cause such number of the enlisted men of the aviation section of the Signal Corps above the grade of corporal as he may deem necessary to be rated as aviation mechanicians or as balloon mechanicians in the manner now prescribed by law. *Sec. 7, id.*

889oo. *Same—Increase of pay.*—Balloon mechanicians shall receive the same increase of pay as now prescribed by law for aviation mechanicians. *Id.*

(For section 8 of this act see paragraphs 879h, 879l, ante.)

889pp. *Purchase, manufacture, etc., of airships, guns, equipment, buildings, etc.*—During the existing emergency authority is hereby given to the President, through the War Department, for the purchase, manufacture, maintenance, repair, and operation of airships and other aerial machines, including instruments and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, including guns, armament, ammunition, and all necessary spare parts and equipment connected therewith; and all necessary buildings for equipment and personnel in the Aviation Section and for the purchase, maintenance, repair, and operation, through the Chief Signal Officer of the Army, of all motor-propelled passenger and equipment carrying vehicles which may be necessary for the Aviation Section of the Signal Corps. *Sec. 9, id.*

889qq. *Same—Establishment of aviation stations, etc.*—During the existing emergency authority is hereby further given for the establishment, equipment, maintenance, and operation of aviation sta-

tions, including (a) the acquisition of land, or any interest in land, with any buildings and improvements thereon, by purchase, lease, donation, condemnation, or otherwise. *Id.*

889rr. *Public lands for temporary barracks, quarters, hospitals, and other buildings, etc.*—By order of the President any unappropriated or reserved public lands may be reserved from entry, designated, and used for such aviation stations; (b) the improvement of such land by clearing, grading, draining, seeding, and otherwise making the same suitable for the purpose intended; (c) the construction, maintenance, and repair of permanent or temporary barracks, quarters, hospitals, mess houses, administration, instructional and recreational buildings, hangars, magazines, storehouses, sheds, shops, garages, boathouses, docks, radio stations, laboratories, observation stations, and all other buildings and structures necessary or advisable; (d) procuring and introducing water, electric light and power, telephones, telegraph, and sewerage to aviation stations and buildings and structures thereon by the extension of existing systems or the creation of new systems and their maintenance, operation and repair, installation of plumbing, electric fixtures and telephones, fire apparatus and fire alarm systems and the maintenance, operation and repair of all such systems, fixtures and apparatus; (e) construction and repair of roads, walks, sea walls, breakwaters, bridges, and wharves, dredging, filling and otherwise improving land and water sites; (f) purchase of stoves and other cooking and heating apparatus, kitchen and tableware, and furniture and equipment for kitchens, mess halls, offices, quarters, barracks, hospitals, and other buildings, screens, lockers, refrigerators, and all other necessary equipment; (g) purchase of gasoline, oil, fuel, and all supplies of every kind and character necessary or advisable for maintenance and operation of aviation stations, including electric light and power, telephones, water supply and sewerage service; (h) purchase and manufacture and installation of all kinds of machinery, tools, material, supplies, and equipment for construction, maintenance, and repair of aircraft, buildings, and improvements at aviation stations, or property or appliances used in connection with aviation. *Id.*

(See paragraph 547c, ante, and 1274a–1274j, post.)

889ss. *Purchase, etc., of special clothing, apparel, and equipment.*—Also for the purchase or manufacture and issue of special clothing, wearing apparel, and similar equipment for aviation purposes. *Id., 246.*

889tt. *Expenses of officers, etc., on special aviation duty at home and abroad.*—Also for the actual and necessary expenses of officers, enlisted men,[1] and civilian employees of the Army and authorized

[1] Groups of enlisted men transferred for purposes of instruction are to be regarded as not traveling with troops within the meaning of Section 9 of the Act

agents sent on special duty at home and abroad for aviation purposes, including observation and investigation of foreign military operations and organization, manufacture of aircraft, and engines. *Id.*

889uu. *Same—Special courses in foreign aviation schools and manufacturing establishments.*—Also special courses in foreign aviation schools and manufacturing establishments, to be paid upon certificates of the Secretary of War certifying that the expenditures were necessary for military purposes. *Id.*

(For the ensuing provisions of this section see paragraph 1293h, post, and 879j, 879k, ante.)

889vv. *Development of suitable types of aviation engines, etc.*—Also for the payment of all expenses in connection with the development of suitable types of aviation engines, airplanes, and other aircraft appurtenances, including the cost of sample engines, airplanes, and appurtenances, cost of any patents and other rights therein, and costs of investigation, experimentation, and research in respect thereto. *Id.*

889ww. *Plants, etc., for manufacture of airplanes, aircraft, engines, etc.*—Also for the payment of all expenses in connection with the creation, expansion, acquisition, and development of plants, factories, and establishments for the manufacture of airplanes, aircraft, engines, and appurtenances, including provision for the purchase or lease of land with the buildings thereon, construction of permanent or temporary buildings for all purposes, purchase of machinery, tools, and employment of operatives, together with all administrative expenses necessary, the purchase and supply of raw and semifinished materials and of fuel and all other things necessary for creating and extending the production of airplanes, aircraft, engines, and all appurtenances. *Id.*

889xx. *Instructions to aviation students at technical schools and colleges.*—Also for creating, maintaining, and operating at technical schools and colleges courses of instruction for aviation students, including cost of instruction, equipment, and supplies necessary for instruction and subsistence of students while receiving such instruction. *Id., 247.*

(For the ensuing provision of this section see paragraph 1261c, post.)

889yy. *Mileage to officers and enlisted men of foreign armies serving with Aviation Section.*—During the present emergency, officers and enlisted men of foreign armies attached to the Aviation Section of the Signal Corps as instructors or inspectors when traveling in the United States on official business pertaining to the Aviation

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[1] July 24, 1917, for the Tomporary Increase of the Signal Corps; accordingly, the travel expenses in such cases are payable from the appropriation for the Aviation Section of the Signal Corps. (Dig. Opin. J. A. G., January, 1918.)

mission. Each duly qualified junior military aviator shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his line commission, provided that his rank under said commission be not higher than that of first lieutenant, and, while on duty, requiring him to participate regularly and frequently in aerial flights, he shall receive in addition an increase of 50 per centum in the pay of his grade and length of service under his line commission. The rating of military aviator shall not be hereafter conferred upon or held by any person except as hereinafter provided, and the number of officers with that rating shall at no time exceed fifteen. Each military aviator who shall hereafter have duly qualified as such under the provisions of this act shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his line commission, provided that his rank under said commission be not higher than that of first lieutenant, and, while on duty requiring him to participate regularly and frequently in aerial flights, he shall receive in addition an increase of 75 per centum of the pay of his grade and length of service under his line commission. *Id.*

889i. *Same—Personnel of enlisted men, rating of aviation mechanician.*—The aviation enlisted men hereinbefore provided for shall consist of twelve master signal electricians, twelve first-class sergeants, twenty-four sergeants, seventy-eight corporals, eight cooks, eighty-two first-class privates, and forty-four privates. Not to exceed forty of said enlisted men shall at any one time have the rating of aviation mechanician, which rating is hereby established, and said rating shall not be conferred upon any person except as hereinafter provided.[1] *Id., 516.*

889j. *Same—Instruction in art of flying, and increase of pay.*—Twelve enlisted men at a time shall, in the discretion of the officer in command of the aviation section, be instructed in the art of flying, and no enlisted man shall be assigned to duty as an aerial flyer against his will except in time of war. Each aviation enlisted man, while on duty that requires him to participate regularly and frequently in aerial flights or while holding the rating of aviation mechanician, shall receive an increase of fifty per centum in his pay. *Id.*

889k. *Same—Qualification certificates required, examinations for, etc.*—Except as hereinafter provided in the cases of officers now on aviation duty, no person shall be detailed as an aviation officer, or rated as a junior military aviator, or as a military aviator, or as an aviation mechanician, until there shall have been issued to him a

[1] *Held* that aviation enlisted men holding the rating of aviation mechanician are entitled to the increase of pay while on furlough. (War Dept. Bull. 18, July 8, 1916.)

certificate to the effect that he is qualified for the detail or rating, or for both the detail and the rating, sought or proposed in his case, and no such certificate shall be issued to any person until an aviation examining board, which shall be composed of three officers of experience in the aviation service and two medical officers, shall have examined him, under general regulations to be prescribed by the Secretary of War and published to the Army by the War Department, and shall have reported him to be qualified for the detail or rating, or for both the detail and the rating, sought or proposed in his case. *Id.*

889l. *Same—Issue of certificates of qualification.*—The Secretary of War shall cause appropriate certificates of qualification to be issued by The Adjutant General of the Army to all officers and enlisted men who shall have been found and reported by aviation examining boards in accordance with the terms of this act, to be qualified for the details and ratings for which said officers and enlisted men shall have been examined. *Id.*

889m. *Same—Service as aviation students prior to detail, rating requirements for military aviators, etc.*—Except as hereinbefore provided in the cases of officers who are now on aviation duty and who shall be rated as junior military aviators as hereinbefore authorized, no person shall be detailed for service as an aviation officer in the aviation section until he shall have served creditably as an aviation student for a period to be fixed by the Secretary of War; and no person shall receive the rating of military aviator until he shall have served creditably for at least three years as an aviation officer with the rating of junior military aviator. *Id.*

889n. *Same—Payments in case of death from accident.*—There shall be paid to the widow of any officer or enlisted man who shall die as the result of an aviation accident, not the result of his own misconduct, or to any other person designated by him in writing, an amount equal to one year's pay at the rate to which such officer or enlisted man was entitled at the time of the accident resulting in his death, but any payment made in accordance with the terms of this proviso on account of the death of any officer or enlisted man shall be in lieu of and a bar to any payment under the Acts of Congress approved May eleventh, nineteen hundred and eight, and March third, nineteen hundred and nine (Thirty-fifth Statutes, pages one hundred and eight and seven hundred and thirty-five), on account of death of said officer or enlisted man. *Id.*

889o. *Aviation officers, ratings of and qualifications for.*—Aviation officers may, when qualified therefor, be rated as junior military aviators or as military aviators, but no person shall be so rated until

there shall have been issued to him a certificate to the effect that he is qualified for the rating, and no certificate shall be issued to any person until an aviation examining board, which shall be composed of three officers of experience in the aviation service and two medical officers, shall have examined him, under general regulations to be prescribed by the Secretary of War and published to the Army by the War Department, and shall have reported him to be qualified for the rating. No person shall receive the rating of military aviator until he shall have served creditably for three years as an aviation officer with the rating of a junior military aviator. *Sec. 13, Act of June 3, 1916 (39 Stat. 175).*

(For the preceding provision of this section see paragraph 879a.)

889p. *Same—Rank and pay of.*—Each aviation officer authorized by this Act shall, while on duty that requires him to participate regularly and frequently in aerial flights, receive an increase of twenty-five per centum in the pay of his grade and length of service under his commission. Each duly qualified junior military aviator shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his commission if his rank under said commission be not higher than that of captain, and while on duty requiring him to participate regularly and frequently in aerial flights he shall receive in addition an increase of fifty per centum in the pay of his grade and length of service under his commission. Each military aviator shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his commission if his rank under said commission be not higher than that of captain, and while on duty requiring him to participate regularly and frequently in aerial flights he shall receive in addition an increase of seventy-five per centum of the pay of his grade and length of service under his commission.[1] *Id.*

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[1] Upon reference for opinion as to whether or not officers of the aviation section, Signal Officers' Reserve Corps, when assigned to duty requiring them to make regular and frequent aerial flights, are entitled to the extra pay authorized under section 13 of the national defense act, approved June 3, 1916.

Held, that as section 39 of the same act provides that Reserve Corps officers, when ordered "to duty with troops or at field exercises, or for instruction," when provision is made therefor, shall, while so serving, "receive the pay and allowances of their respective grades in the Regular Army," and as section 13 of said act specifically provides, with respect to aviation officers, that "each aviation officer authorized by this act shall, while on duty that requires him to participate regularly and frequently in aerial flights, receive an increase of twenty-five per centum in the pay of his grade and length of service under his commission," a Reserve Corps officer of the aviation section assigned to active duty requiring him to make regular and frequent aerial flights is entitled to receive the increased pay authorized for such duty, as such officer comes within the description, "each aviation officer authorized by this act." (War Dept. Bull. 18, April 6, 1917.)

Upon the question raised as to whether or not officers required to make regular and frequent aerial flights in balloons are entitled to extra pay authorized by section 13 of the national defense act of June 3, 1916:

Held, that such officers are entitled to the extra pay authorized by the statute; that the act of July 18, 1914 (38 Stat., 514), creating the aviation

889q. *Same—Increased pay and allowances authorized in Act of March second, nineteen hundred and thirteen, repealed.*—The provisions of the Act of March second, nineteen hundred and thirteen,[1] allowing increase of pay and allowances to officers detailed by the Secretary of War on aviation duty, are hereby repealed. *Id.*

889r. *Married officers of line of Army eligible for detail to aviation duty—Enlisted men of aviation section to be instructed in art of flying.*—Hereafter married officers of the line of the Army shall be eligible equally with unmarried officers and subject to the same conditions for detail to aviation duty; and the Secretary of War shall have authority to cause as many enlisted men of the aviation section to be instructed in the art of flying as he may deem necessary. *Id.*

889s. *Age of officers not a bar to original detail, and neither age nor rank a bar to subsequent details.*—Hereafter the age of officers shall not be a bar to their first detail in the aviation section of the Signal Corps, and neither their age nor their rank shall be a bar to their subsequent details in said section. *Id.*

889t. *Aviator, Signal Corps, appointment of qualified civilians as.*—When it shall be impracticable to obtain from the Army officers suitable for the aviation section of the Signal Corps in the number allowed by law, the difference between that number and the number of suitable officers actually available for duty in said section may be made up by appointments in the grade of aviator, Signal Corps, and that grade is hereby created. The personnel for said grade shall be obtained from especially qualified civilians who shall be appointed and commissioned in said grade. *Id.*

889u. *Same—Pay and provision for discharge of.*—Whenever any aviator shall have become unsatisfactory he shall be discharged from the Army as such aviator. The base pay of an aviator, Signal Corps, shall be $150 per month, and he shall have the allowances of a master signal electrician and the same percentage of increase in pay for length of service as is allowed to a master signal electrician. *Id.*

(For the ensuing provision of this section see paragraph 890a.)

section and prescribing the duties of the same expressly charged that section with the duty "of operating or supervising the operation of all military aircraft, including balloons and aeroplanes"; that in authorizing the increase of pay to officers on duty requiring them "to participate regularly and frequently in aerial flights," the act made no distinction as to the kind of aerial craft; and that the national defense act, while dealing with the organization, compensation, etc., of the aviation section, leaves in force the provision of the act of July 18, 1914, prescribing the duties of that section, and, like the act of July 18, 1914, makes no distinction with respect to the character of aerial craft; but the law requires that the officer, while receiving this pay, shall be on duty requiring him to participate regularly and frequently in aerial flights, having regard to the nature of the craft in which such flights are taken; and this must be the real duty of the officer under his assignment. (War Dept. Bull. 26, May 7, 1917.)

[1] Paragraph 889, ante, or 37 Stat. 705.

ADVISORY COMMITTEE FOR AERONAUTICS.

889v. *Composition of.*—An Advisory Committee for Aeronautics is hereby established, and the President is authorized to appoint not to exceed twelve members, to consist of two members from the War Department, from the office in charge of military aeronautics; two members from the Navy Department, from the office in charge of naval aeronautics; a representative each of the Smithsonian Institution, of the United States Weather Bureau, and of the United States Bureau of Standards; together with not more than five additional persons who shall be acquainted with the needs of aeronautical science, either civil or military, or skilled in aeronautical engineering or its allied sciences. *Act of Mar. 3 1915 (38 Stat. 930).*

889w. *Same—No compensation for members.*—The members of the Advisory Committee for Aeronautics, as such, shall serve without compensation. *Id.*

889x. *Same—Duty to supervise research, etc.*—It shall be the duty of the Advisory Committee for Aeronautics to supervise and direct the scientific study of the problems of flight, with a view to their practical solution, and to determine the problems which should be experimentally attacked, and to discuss their solution and their application to practical questions. In the event of a laboratory or laboratories, either in whole or in part, being placed under the direction of the committee, the committee may direct and conduct research and experiment in aeronautics in such laboratory or laboratories. *Id.*

889y. *Same—Rules of conduct for.*—Rules and regulations for the conduct of the work of the committee shall be formulated by the committee and approved by the President. *Id.*

889z. *Same—Appropriation for experimental work, etc.*—The sum of $5,000 a year, or so much thereof as may be necessary, for five years is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for experimental work and investigations undertaken by the committee, clerical expenses and supplies, and necessary expenses of members of the committee in going to, returning from, and while attending, meetings of the committee. *Id.*

889aa. *Same—Annual report to include itemized statement of expenditures.*—An annual report to the Congress shall be submitted through the President, including an itemized statement of expenditures. *Id.*

889bb. *Appropriation for purchase, manufacture, etc., of airships and other aerial machines for the Aviation Section.*—Not more than $13,281,666 of the foregoing appropriation[1] shall be used for the

[1] The appropriation referred to is one of $14,281,766 for the Signal Service of the Army.

purchase, manufacture, maintenance, operation, and repair of airships and other aerial machines and accessories necessary in the Aviation Section; and for the purchase, maintenance, repair, and operation of motor-propelled, passenger-carrying vehicles which may be necessary for the Aviation Section. *Act of Aug. 29, 1916* (*39 Stat. 622*).

889cc. *Appropriation for payment of officers and enlisted men of the Aviation Section, Officers' Reserve Corps and Enlisted Reserve Corps, when called into active service.*—Of the sum last above mentioned $900,000, or so much thereof as may be necessary, will be available for paying and otherwise providing for such officers of the Officers' Reserve Corps of the Aviation Section of the Signal Corps and such enlisted men of the Enlisted Reserve Corps of the Aviation Section of the Signal Corps as may be called into active service. *Id.*

889dd. *Appropriation for development of suitable type of aviation motor.*—Not to exceed $50,000 of the above sum will be available for the payment of all expenses in connection with the development of a suitable type of aviation motor, under such regulations as the Secretary of War may prescribe. *Id.*

889ee. *Secretary of War to receive officers and enlisted men of Coast Guard for instruction in aviation at aviation schools.*—At the request of the Secretary of the Treasury the Secretaries of War and Navy are authorized to receive officers and enlisted men of the Coast Guard for instruction in aviation at any aviation school maintained by the Army and Navy, and such officers and enlisted men shall be subject to the regulations governing such schools. *Id., 601.*

889ff. *Obtaining basic patents for manufacture and development of aircraft.*—To enable the Secretary of War and the Secretary of the Navy to secure by purchase, condemnation, donation, or otherwise, such basic patent or patents as they may consider necessary to the manufacture and development of aircraft in the United States and its dependencies, for governmental and civil purposes, under such regulations as the Secretary of War and the Secretary of the Navy may prescribe, $1,000,000. *Act of Mar. 4, 1917* (*39 Stat. 1169*).

889gg. *Same—Purchase arrangements advantageous to Government may be entered into.*—Such arrangements may be made in relation to the purchase of any basic patent connected with the manufacture and development of aircraft in the United States as in the judgment of the Secretary of War and the Secretary of the Navy will be of the greatest advantage to the Government and to the development of the industry. *Id.*

889hh. *Same—Bond to be required where validity of patents is in litigation.*—In the event there shall be pending in court litigation

involving the validity of said patent or patents, bond, with good and approved security in an amount sufficient to indemnify the United States, shall be required, payable to the United States, conditioned to repay to the United States the amount paid for said patent or patents in the event said patent or patents are finally adjudged invalid. *Id., 1170.*

889ii. *Consolidation of balances of appropriation for National Advisory Committee for Aeronautics.*—The balances under the several items of the appropriation "National Advisory Committee for Aeronautics," carried in the Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and seventeen, approved August twenty-ninth, nineteen hundred and sixteen, are hereby consolidated into a single fund and may be expended by the committee for its purposes as stated in the paragraph of Public Act Numbered Two hundred and seventy-one, Sixty-third Congress, approved March third, nineteen hundred and fifteen, establishing the committee. *Id.*

889jj. *Increase in Aviation Section, ratings of aviation officers.*—Officers detailed in or attached to the aviation section of the Signal Corps may, when qualified therefor, be rated as junior military aviators, military aviators, junior military aeronauts, and military aeronauts, but no person shall be so rated until there shall have been issued to him a certificate to the effect that he is qualified for the rating, and no certificate shall be issued to any person until an examining board, which shall be composed of two officers of experience of the aviation section of the Signal Corps and one medical officer, shall have examined him under general regulations to be prescribed by the Secretary of War and published to the Army by the War Department, and shall have reported to him to be qualified for the rating.[1] *Sec. 6, Act of July 24, 1917 (40 Stat. 244).*

(For sections 1 and 2 of this act see paragraphs 879b–879e, ante, and for sections 3 and 4 see paragraphs 890d–890j, post.)

889kk. *Same—length of service for ratings of military aviator and military aeronaut; exception.*—No person shall receive the rating of military aviator or military aeronaut until he shall have served creditably for three years as an aviation officer with the rating of a

[1] Members of the Signal Officers' Reserve Corps promoted, appointed, detailed, or attached to the Aviation Section of the Signal Corps are, if they have the required experience, "officers of experience of the Aviation Section of the Signal Corps" qualified to be members of boards authorized to examine and certify to the qualifications of persons seeking the rating of aviators under section 6 of the act of July 24, 1917. (War Dept. Bull. 72, Dec. 24, 1917.)

An officer of the Regular Army, rated as a junior military aviator, resigned from the Army and was thereafter commissioned temporary captain in the Aviation Section of the Signal Corps. *Held*, that his rating before his resignation can not be continued, his appointment as temporary captain being from civil life. He must qualify as a junior military aviator under Section 6 of the Act of July 24, 1917. (Dig. Opin. J. A. G., January, 1918.)

junior military aviator or the rating of a junior military aeronaut, except that in time of war any officer or enlisted man who specially distinguishes himself in active service may, upon recommendation of the Chief Signal Officer of the Army, be rated as a junior military aviator, military aviator, junior military aeronaut, or military aeronaut without regard to examination or to length of service. *Id.*

889ll. *Same—Increase in rank and pay of aviation officers.*—Junior military aeronauts and military aeronauts shall be entitled to the same increase in rank and pay as are now authorized by law for junior military aviators and military aviators, respectively. *Id.*

889mm. *Same—Increased pay while on duty requiring aerial flights.*—Any officer attached to the aviation section of the Signal Corps for any military duty requiring him to make regular and frequent flights shall receive an increase of twenty-five per centum of the pay of his grade and length of service under his commission. *Id., 245.*

889nn. *Rating of enlisted men in Aviation Section.*—The Secretary of War is authorized from time to time to cause such number of the enlisted men of the aviation section of the Signal Corps above the grade of corporal as he may deem necessary to be rated as aviation mechanicians or as balloon mechanicians in the manner now prescribed by law. *Sec. 7, id.*

889oo. *Same—Increase of pay.*—Balloon mechanicians shall receive the same increase of pay as now prescribed by law for aviation mechanicians. *Id.*

(For section 8 of this act see paragraphs 879h, 879l, ante.)

889pp. *Purchase, manufacture, etc., of airships, guns, equipment, buildings, etc.*—During the existing emergency authority is hereby given to the President, through the War Department, for the purchase, manufacture, maintenance, repair, and operation of airships and other aerial machines, including instruments and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, including guns, armament, ammunition, and all necessary spare parts and equipment connected therewith; and all necessary buildings for equipment and personnel in the Aviation Section and for the purchase, maintenance, repair, and operation, through the Chief Signal Officer of the Army, of all motor-propelled passenger and equipment carrying vehicles which may be necessary for the Aviation Section of the Signal Corps. *Sec. 9, id.*

889qq. *Same—Establishment of aviation stations, etc.*—During the existing emergency authority is hereby further given for the establishment, equipment, maintenance, and operation of aviation sta-

tions, including (a) the acquisition of land, or any interest in land, with any buildings and improvements thereon, by purchase, lease, donation, condemnation, or otherwise. *Id.*

889rr. *Public lands for temporary barracks, quarters, hospitals, and other buildings, etc.*—By order of the President any unappropriated or reserved public lands may be reserved from entry, designated, and used for such aviation stations; (b) the improvement of such land by clearing, grading, draining, seeding, and otherwise making the same suitable for the purpose intended; (c) the construction, maintenance, and repair of permanent or temporary barracks, quarters, hospitals, mess houses, administration, instructional and recreational buildings, hangars, magazines, storehouses, sheds, shops, garages, boathouses, docks, radio stations, laboratories, observation stations, and all other buildings and structures necessary or advisable; (d) procuring and introducing water, electric light and power, telephones, telegraph, and sewerage to aviation stations and buildings and structures thereon by the extension of existing systems or the creation of new systems and their maintenance, operation and repair, installation of plumbing, electric fixtures and telephones, fire apparatus and fire alarm systems and the maintenance, operation and repair of all such systems, fixtures and apparatus; (e) construction and repair of roads, walks, sea walls, breakwaters, bridges, and wharves, dredging, filling and otherwise improving land and water sites; (f) purchase of stoves and other cooking and heating apparatus, kitchen and tableware, and furniture and equipment for kitchens, mess halls, offices, quarters, barracks, hospitals, and other buildings, screens, lockers, refrigerators, and all other necessary equipment; (g) purchase of gasoline, oil, fuel, and all supplies of every kind and character necessary or advisable for maintenance and operation of aviation stations, including electric light and power, telephones, water supply and sewerage service; (h) purchase and manufacture and installation of all kinds of machinery, tools, material, supplies, and equipment for construction, maintenance, and repair of aircraft, buildings, and improvements at aviation stations, or property or appliances used in connection with aviation. *Id.*

(See paragraph 547c, ante, and 1274a–1274j, post.)

889ss. *Purchase, etc., of special clothing, apparel, and equipment.*—Also for the purchase or manufacture and issue of special clothing, wearing apparel, and similar equipment for aviation purposes. *Id., 246.*

889tt. *Expenses of officers, etc., on special aviation duty at home and abroad.*—Also for the actual and necessary expenses of officers, enlisted men,[1] and civilian employees of the Army and authorized

[1] Groups of enlisted men transferred for purposes of instruction are to be regarded as not traveling with troops within the meaning of Section 9 of the Act

agents sent on special duty at home and abroad for aviation purposes, including observation and investigation of foreign military operations and organization, manufacture of aircraft, and engines. *Id.*

889uu. *Same—Special courses in foreign aviation schools and manufacturing establishments.*—Also special courses in foreign aviation schools and manufacturing establishments, to be paid upon certificates of the Secretary of War certifying that the expenditures were necessary for military purposes. *Id.*

(For the ensuing provisions of this section see paragraph 1293h, post, and 879j, 879k, ante.)

889vv. *Development of suitable types of aviation engines, etc.*—Also for the payment of all expenses in connection with the development of suitable types of aviation engines, airplanes, and other aircraft appurtenances, including the cost of sample engines, airplanes, and appurtenances, cost of any patents and other rights therein, and costs of investigation, experimentation, and research in respect thereto. *Id.*

889ww. *Plants, etc., for manufacture of airplanes, aircraft, engines, etc.*—Also for the payment of all expenses in connection with the creation, expansion, acquisition, and development of plants, factories, and establishments for the manufacture of airplanes, aircraft, engines, and appurtenances, including provision for the purchase or lease of land with the buildings thereon, construction of permanent or temporary buildings for all purposes, purchase of machinery, tools, and employment of operatives, together with all administrative expenses necessary, the purchase and supply of raw and semifinished materials and of fuel and all other things necessary for creating and extending the production of airplanes, aircraft, engines, and all appurtenances. *Id.*

889xx. *Instructions to aviation students at technical schools and colleges.*—Also for creating, maintaining, and operating at technical schools and colleges courses of instruction for aviation students, including cost of instruction, equipment, and supplies necessary for instruction and subsistence of students while receiving such instruction. *Id., 247.*

(For the ensuing provision of this section see paragraph 1261c, post.)

889yy. *Mileage to officers and enlisted men of foreign armies serving with Aviation Section.*—During the present emergency, officers and enlisted men of foreign armies attached to the Aviation Section of the Signal Corps as instructors or inspectors when traveling in the United States on official business pertaining to the Aviation

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[1] July 24, 1917, for the Temporary Increase of the Signal Corps; accordingly, the travel expenses in such cases are payable from the appropriation for the Aviation Section of the Signal Corps. (Dig. Opin. J. A. G., January, 1918.)

Section of the Signal Corps shall be authorized, from funds appropriated by this Act, the same mileage and transportation allowances as are authorized for officers or enlisted men of the Regular Army. *Id.*

889zz. *Appropriation for carrying into effect provisions of Act.*—For the purpose of carrying this Act into effect the sum of $640,000,000 is hereby appropriated out of any funds in the Treasury not otherwise appropriated, to be available until June thirtieth, nineteen hundred and eighteen. *Sec. 10, id.*

AIRCRAFT BOARD.

889aaa. *Purpose for which created.*—For the purpose of expanding and coordinating the industrial activities relating to aircraft, or parts of aircraft, produced for any purpose in the United States, and to facilitate generally the development of air service, a board is hereby created, to be known as the Aircraft Board, hereinafter referred to as the board. *Sec. 1, Act of Oct. 1, 1917 (40 Stat. 296).*

889bbb. *Same—Composition of board and appointment of its chairman and civilian members.*—The board shall number not more than nine in all, and shall include a civilian chairman, the Chief Signal Officer of the Army, and two other officers of the Army, to be appointed by the Secretary of War; the Chief Constructor of the Navy and two other officers of the Navy, to be appointed by the Secretary of the Navy; and two additional civilian members. The chairman and civilian members shall be appointed by the President, by and with the advice and consent of the Senate. *Sec. 2, id.*

889ccc. *Same—Tenure of board and office of its members; compensation of civilian members.*—Said board and tenure of office of the members thereof shall continue during the pleasure of the President, but not longer than six months after the present war. The civilian members of the board shall serve without compensation. *Sec. 3, id.*

889ddd. *Same—Supervise and direct purchase, manufacture, etc., of aircraft, and equipment, etc.*—The board is hereby empowered, under the direction and control of and as authorized by the Secretary of War and the Secretary of the Navy, respectively, on behalf of the Departments of War and Navy, to supervise and direct, in accordance with the requirements prescribed or approved by the respective departments, the purchase, production, and manufacture of aircraft, engines, and all ordnance and instruments used in connection therewith, and accessories and materials therefor, including the purchase, lease, acquisition, or construction of plants for the manufacture of aircraft, engines, and accessories. *Sec. 4, id.*

889eee. *Same—May make recommendations as to contracts.*—The board may make recommendations as to contracts and their distribution in connection with the foregoing, but every contract shall be made by the already constituted authorities of the respective departments. *Id.*

889fff. *Same—Employment of clerks, technical experts, advisers, etc., pay of.*—The board is also empowered to employ, either in the District of Columbia or elsewhere, such clerks and other employees as may be necessary to the conduct of its business, including such technical experts and advisers as may be found necessary, and to fix their salaries. Such salaries shall conform to those usually paid by the Government for similar service: *Provided*, That by unanimous approval of the board higher compensation may be paid to technical experts and advisers. *Sec. 5, id.*

889ggg. *Same—Rent offices, purchase equipment and supplies, administrative expenses, etc., funds for.*—The board may rent suitable offices in the District of Columbia or elsewhere, purchase necessary office equipment and supplies, including scientific publications and printing, and may incur necessary administrative and contingent expenses, and for all of the expenses enumerated in this paragraph there shall be allotted by the Chief Signal Officer of the Army for the fiscal year nineteen hundred and seventeen and nineteen hundred and eighteen the sum of $100,000, or so much thereof as shall be necessary, from any appropriation now existing for or hereinafter made to the Signal Corps of the Army, and such appropriation is hereby made available for these purposes. *Id.*

889hhh. *Same—Duplication of existing office or organization.*—Except upon the joint and concurrent approval of the Secretary of War and the Secretary of the Navy there shall not be established or maintained under the board any office or organization duplicating or replacing, in whole or in part, any office or organization now existing that can be properly established or maintained by appropriations made for or available for the military or naval services. *Id.*

889iii. *Same—Annual report to Congress of salaries paid to clerks and employees.*—A report shall be made to Congress on the first day of each regular session of the salaries paid from this appropriation to clerks and employees by grades, and the number in each such grade. *Id.*

890a. *Enlisted force, composition of.*—The total enlisted strength of the Signal Corps shall be limited and fixed from time to time by the President in accordance with the needs of the Army, and shall consist of master signal electricians; sergeants, first class; sergeants; corporals; cooks; horseshoers; private, first class; and privates; the number in each grade being fixed from time to time by the President.

The numbers in the various grades shall not exceed the following percentages of the total authorized enlisted strength of the Signal Corps, namely: Master signal electricians, two per centum; sergeants, first class, seven per centum; sergeants, ten per centum; corporals, twenty per centum. The number of privates, first class, shall not exceed twenty-five per centum of the number of privates. *Sec. 13, Act of June 3, 1916 (39 Stat. 176).*

(For the provision of this section immediately preceding this paragraph see paragraph 889u. For outhorization for one thousand additional sergeants for detail from the Infantry, Cavalry, Field Artillery, Corps of Engineers, Coast Artillery Corps, Medical Department, and Signal Corps of the Regular Army, with corresponding organizations of the National Guard, to assist in the instruction of its personnel and the care of property, and the similar detail of one hundred additional sergeants with the disciplinary organizations at the United States Disciplinary Barracks, see paragraph 1332a.)

890b. *Same—Organization of into companies, battalions, and aero squadrons.*—Authority is hereby given the President to organize, in his discretion, such part of the commissioned and enlisted personnel of the Signal Corps into such number of companies, battalions, and aero squadrons as the necessities of the service may demand. *Id.*

890c. *Same—May be mounted.*—Enlisted men detailed for signal duty shall, when it is deemed necessary, be mounted on horses provided by the Government.[1] *Sec. 1197, R. S.*

890d. *Increase in enlisted men by enlistment or draft.*—To provide the additional enlisted men required by this Act, the President is authorized to raise and maintain, by voluntary enlistment or by draft, such number of enlisted men as he may deem necessary and to embody them into organizations hereinafter provided for in section four. *Sec. 3, Act of July 24, 1917 (40 Stat. 243).*

(For the preceding sections of this act see paragraphs 879b–879e, ante.)

890e. *Same—Age limits for draft.*—The draft herein provided for shall not apply to any person under the age of twenty-one years or to any person above the age of thirty-one years. *Id.*

890f. *Same—Grades of chauffeur, first class, and chauffeur created.*—The grades of chauffeur, first class, and chauffeur are hereby created in the Signal Corps. *Id., 244.*

890g. *Same—Pay and allowances of chauffeurs.*—The pay and allowances of a chauffeur, first class, shall be the same as a sergeant, first class, in the Signal Corps. Pay and allowances of a chauffeur shall be the same as a sergeant in the Signal Corps. *Id.*

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[1] The enlisted men mentioned in this section were those detailed from the battalion of Engineers for signal duty under section 1196, R. S. The provision may be regarded as applicable to enlisted men of the Signal Corps as constituted under later statutes.

890h. *Same—Rank of chauffeurs.*—All chauffeurs while serving as such shall rank with corporals of the Signal Corps and shall be subject to promotion and reduction to any other grade now authorized in the Signal Corps. *Id.*

890i. *Organization into divisions, briagdes, regiments, etc.*—The President is hereby authorized to appropriately officer and organize the personnel of the Signal Corps into such number of divisions, brigades, regiments, wings, squadrons, battalions, companies, and flights as may be necessary, and to increase or decrease the number of organizations prescribed for the divisions, brigades, regiments, wings, squadrons, battalions, companies, and flights, and to prescribe such new and different organizations and personnel for divisions, brigades, regiments, wings, squadrons, battalions, companies, and flights as the efficiency of the service may require. *Sec. 4, id.*

890j. *Same—Organization of headquarters and headquarters detachments.*—The President is further authorized to organize such headquarters and headquarters detachments for divisions, brigades, regiments, wings, squadrons, battalions, companies, and flights as may be necessary, and to prescribe new and different organizations for such headquarters and headquarters detachments whenever the efficiency of the service may require.[1] *Id.*

(For the ensuing section of this act see paragraphs 879f, 879g, ante.)

898a. *Collection of forwarding charges due connecting commercial or radio companies for transmission of Government business; vouchers and claims for.*—Hereafter the Signal Corps, in its operation of military telegraph lines, cables, or radio stations, is authorized, in the discretion of the Secretary of War, to collect forwarding charges due connecting commercial telegraph or radio companies for the transmission of Government radiograms or telegrams over their lines, and to this end, under such regulations as may be prescribed by the Secretary of War, it can present vouchers to disbursing officers for payment or file claims with auditors of the Treasury Department for the amount of such forwarding charges. *Act of May 12, 1917 (40 Stat. 43).*

901a. *Property returns to be made semiannually.*—The Act of Congress approved October twelfth, eighteen hundred and eighty-eight, entitled "An Act to make enlisted men of the Signal Corps responsible for public property," be amended so as to read that property returns of the Signal Corps shall be rendered semiannually or more

[1] Under the act of July 24, 1917, no authority is given to enlist men in the Signal Corps for musical purposes solely and on condition that they shall not be liable to or eligible for general military duty as soldiers. War Dept. Bull. 67, Nov. 30, 1917.)

often. *Act of Apr. 27, 1914 (38 Stat. 353), amending Act of Oct. 12, 1888 (25 Stat. 552).*

901b. *Settlement of accounts between other bureaus of War Department, etc., and the Signal Corps.*—Hereafter in the settlement of transactions between appropriations under the Signal Corps, or between the Signal Corps and another office or bureau of the War Department, or of any other executive department of the Government, payment therefor shall be made by the proper disbursing officer of the Signal Corps, or of the office, bureau, or department concerned. *Act of Aug. 29, 1916 (39 Stat. 622).*

CHAPTER XXIII.

CHAPLAINS.

	Par.
Chaplains, appointment of	902a
Same—Preference to be given to applicants who have been honorably discharged from the Army	902b
Chaplains, appointment of	902c
Chaplains at large, number	902d
Same—Qualifications as to citizenship	902e

902a. *Chaplains, appointment of.*—The President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army at the rate of not to exceed, including chaplains now in service, one for each regiment of Cavalry, Infantry, Field Artillery, and Engineers, and one for each one thousand two hundred officers and men of the Coast Artillery Corps, with rank, pay, and allowances as now authorized by law. *Sec. 15, Act of June 3, 1916 (39 Stat. 176).*

902b. *Same—Preference to be given to applicants who have been honorably discharged from the Army.*—In appointment of chaplains in the Regular Army, preference and priority shall be given to applicant veterans, if otherwise duly qualified and who shall not have passed the age of forty-one years at the time of application, who have rendered honorable war service in the army of the United States or who have been honorably discharged from such Army. *Id.*

902c. *Chaplains, appointment of.*—The President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army at the rate of not to exceed, including chaplains now in service, one for each regiment of Cavalry, Infantry, Field Artillery, and Engineers, and one for each one thousand two hundred officers and men of the Coast Artillery Corps, with rank, pay, and allowances as now authorized by law. *Act of May 12, 1917 (40 Stat. 72) amending sec. 15, Act of June 3, 1916 (39 Stat. 176).*

902d. *Chaplains at large, number.*—The President may appoint for service during the present emergency not exceeding twenty chaplains at large for the United States Army representing religious sects not recognized in the apportionment of chaplains now recognized by law. *Act of Oct. 6, 1917 (40 Stat. 394).*

902e. *Same—Qualifications as to citizenship.*—No person shall be eligible to such appointment unless he be at the time of his appointment a citizen of the United States. *Id.*

First readers of the Christian Science Church are eligible to appointment as chaplains at large under the act of October 6, 1917, authorizing appointment from religious sects not recognized in the apportionment of chaplains now recognized by law. (War Dept. Bull. 67, Nov. 30, 1917.)

CHAPTER XXIV.

COMMISSIONED OFFICERS.

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Original appointments of second lieutenants, except cadet graduates, to be provisional	918a
Officers appointed in Army in time of peace to be citizens of United States	918b
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Same—Rank of major general to cease and determine when officer so promoted is retired	927g
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Creation of, for duty with the National Guard, etc	929a
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Same—Senior officer in any grade according to constructive date of original commission to be considered senior in that grade	929h
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Loss of files on account of increase of arm, corps, or branch, due to suspension from promotion on failure to pass examination, allowance for	931b

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Same—After transfer, subsequent retirement only for age or disability	958k
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Retired Army officers with certain Civil War service may be appointed and retired with increased rank	969a
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Same—Advancement to grade of major general on retired list of retired officer who had certain Civil War service, etc	969d
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Assignments to active duty as acting quartermasters	975b
Longevity pay, computation to include details to active duty	975c
Retired officers who have served in Corps of Engineers, assignment to active duty	975d

918a. *Original appointments of second lieutenants, except cadet graduates, to be provisional.*—Hereafter all appointments of persons other than graduates of the United States Military Academy to the grade of second lieutenant in the Regular Army shall be provisional for a period of two years, at the close of which period such appointments shall be made permanent if the appointees shall have demonstrated, under such regulations as the President may prescribe, their suitability and moral, professional, and physical fitness for such permanent appointment, but should any appointee fail so to demonstrate his suitability and fitness, his appointment shall terminate; and should any officer become eligible for promotion to a vacancy in a higher grade and qualify therefor before the expiration of two years from the date of his original appointment, he shall receive a provisional appointment in such higher grade, which appointment shall be made permanent when he shall have qualified for permanent appointment upon the expiration of two years from the date of his original appointment, or shall terminate if he shall fail so to qualify.[1] *Sec. 23, Act of June 3, 1916 (39 Stat. 181).*

(For authorization for termination of provisional appointments because of lack of suitability and fitness for permanent appointments, see paragraph 331½, ante.)

918b. *Officers appointed in Army in time of peace to be citizens of United States.*—No part of the appropriations made in this Act shall be available for the salary or pay of any person hereafter, in time of peace, appointed an officer in the Army who is not a citizen of the United States.[1] *Act of Aug. 29, 1916 (39 Stat. 649).*

927a. *Thanks of Congress tendered to certain officers of Army and Navy.*—The thanks of Congress are hereby extended to the following officers of the Army and Navy of the United States who, as members of the late Isthmian Canal Commission, have rendered dis-

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[1] The discharge of a provisional second lieutenant after six months' service as such was asked on the ground that he lacked the mentality requisite for an officer and had demonstrated that he could never reach the standard that should be required of an officer; thus presenting the question whether the provisional appointment of a second lieutenant might be terminated on account of failure to demonstrate suitability and fitness for permanent appointment prior to the termination of the two years mentioned in section 23 of the national defense act.

Held, that the word "provisional" occurring in that portion of section 23 of the national defense act relates only to the alternative action permitted at the end of the period designated and carries no authority to terminate the appointment within that period; that the terms of the section plainly allow to the provisional appointee a period of two years in which to acquire and demonstrate suitability and fitness; and that during that period the provisional appointee may be removed from office only by the same means by which a permanent officer may be removed. (War. Dept. Bull. 20, May 7, 1917.)

Held, that this does not repeal the provisions of existing law authorizing the appointment of native Filipinos as officers of Philippine Scouts, and of native citizens of Porto Rico as officers in the Porto Rico regiment. (War Department Bulletin No. 28, Aug. 18, 1916).

tinguished service in constructing the Panama Canal, to wit: Colonel George W. Goethals, chairman and chief engineer; Brigadier General William C. Gorgas, sanitary expert; Colonel H. F. Hodges, Lieutenant Colonel William L. Sibert, and Commander H. H. Rousseau. *Sec. 1, Act of Mar. 4, 1915 (38 Stat. 1190).*

927b. *Promotion of certain officers of Army and Navy.*—The President is hereby authorized, by and with the advice and consent of the Senate, to advance in rank Colonel George W. Goethals to the grade of major general of the line, United States Army; Brigadier General William C. Gorgas to the rank of major general in the Medical Department, United States Army; Colonel H. F. Hodges and Lieutenant Colonel William L. Sibert to the grade of brigadier general of the line, United States Army; and Commander H. H. Rousseau to the grade of rear admiral of the lower Nine, United States Navy. *Sec. 2, id. 1191.*

927c. *Same—Certain officers to be advanced one grade when placed on retired list.*—Such officers of the Army and Navy as were detailed for duty with the Isthmian Canal Commission on the Isthmus of Panama for more than three years, and who shall not have been advanced in rank by any other provisions of this bill, shall be advanced one grade in rank upon retirement. *Sec. 3, id.*

927d. *Same—Officers now on retired list to be immediately advanced one grade.*—Any officer of the Army or Navy now on the retired list with similar service shall be immediately advanced one grade in rank on the retired list of the Army or Navy. *Id.*

927e. *Promotions authorized by section 2 of Act to temporarily increase the grades.*—The numbers in such grades provided for in sections two and four[1] of this Act, except where vacancies occurring in any grade by the provisions of this Act can be filled by such officers in a lower grade as are entitled to the benefits of this Act, shall be temporarily increased during the time such offices may be held. *Sec. 5, id.*

927f. *Medical officer promoted to be head of Medical Department, not governed by law as to details.*—The officer who may be advanced and appointed major general in the Medical Department, United States Army, shall thereupon become the head of such department, and the operation of so much of section twenty-six of the Act of February second, nineteen hundred and one, as limits the term of office of the head of the Medical Department, United States Army, shall be suspended during the incumbency of the head of the department who may be appointed under this Act. *Id.*

[1] Sec. 4, authorizes the President to promote certain officers of the Public Health Service and is omitted from this compilation.

927g. *Same—Rank of major general to cease and determine when officer so promoted is retired.*—Whenever the head of the Medical Department appointed under the provisions of this Act shall become separated from the active list of the Army, by retirement or otherwise, the extra office or grade to which he shall have been so advanced or appointed shall cease and determine, and thereafter the rank of the head of the Medical Department, United States Army, shall be that of a brigadier general. *Id.*

927h. *Promotions authorized not to retard promotion to which any officer is entitled under existing law.*—Nothing in this Act shall operate to interfere with or retard the promotion to which any officer would be entitled under existing law. *Id.*

927i. *Officers promoted to be junior to officers who now rank them when such officers reach same grade.*—The officers advanced to higher grades under this Act shall be junior to the officers who now rank them under existing law when these officers have reached the same grade. *Id.*

927j. *Officers benefited by Act entitled to retirement at any time on application of seventy-five per centum of pay of active rank.*—At any time after the passage of this Act any officer of the Army or Navy to be benefited by the provisions of this Act may, on his own application, be retired by the President at seventy-five per centum of the pay of the rank upon which he is retired. *Sec. 6, id.*

(See paragraphs 958l-958k, post.)

927k. *General officers of the line who were promoted for service in constructing the Panama Canal to take rank over officers of same grades hereafter appointed.*—The general officers of the line who were appointed as such pursuant to the Act of March fourth, nineteen hundred and fifteen (Thirty-eighth Statutes at Large, page eleven hundred and ninety-one), shall take rank in their present grades over all officers hereafter appointed to like grades. *Act of Aug. 29, 1916 (39 Stat. 623).*

DETACHED OFFICERS' LIST.

929a. *Creation of, for duty with the National Guard, etc.*—On July first, nineteen hundred and sixteen, the line of the Army shall be increased by eight hundred and twenty-two extra officers of the Cavalry, Field Artillery, Coast Artillery Corps, and Infantry arms of the service, of grades from first lieutenant to colonel, inclusive, lawfully available for detachment from their proper arms for duty with the National Guard, or other duty, the usual period of which exceeds one year. Said extra officers, together with the two hundred detached officers provided for by the Act of Congress approved March

third, nineteen hundred and eleven,[1] shall, on and after July first, nineteen hundred and sixteen, constitute the Detached Officers' List, and all positions vacated by officers assigned to said list, and the officers so assigned shall be subject to the provisions of section twenty-seven of the Act of Congress approved February second, nineteen hundred and one, with reference to details to the staff corps. *Sec. 25, Act of June 3, 1916 (39 Stat. 183).*

929a¼. *Details in the Aviation Section, Signal Corps.*—Hereafter nothing in section twenty-five of the National Defense Act of June third, nineteen hundred and sixteen, shall be held to prevent the detail of an officer in the aviation section of the Signal Corps. *Act of May 12, 1917 (40 Stat. 43).*

929b. *Same—Proportionate number authorized for each grade.*—The total number of officers hereby authorized for each grade on said list entire shall be in proportion to the total number of officers of the corresponding grade now authorized by law other than this Act for all of the said four arms combined, exclusive of second lieutenants and of the two hundred extra officers authorized by the Act of Congress approved March third, nineteen hundred and eleven,[1] and exclusive also of the additional officers authorized by the Act to restore lineal rank lost through the system of regimental promotion formerly in force; and the total number of officers hereby authorized for each grade in each of said arms on said list shall be in the proportion borne by the number of officers now authorized by law other than this Act for such grade and arm to the total number of officers now authorized by law other than this Act for the corresponding grade in all of the said four arms combined, exclusive of the extra and additional officers last hereinbefore specified and excluded. *Sec. 25, Act of June 3, 1916 (39 Stat. 183).*

(See paragraph 929f.)

929c. *Same—Vacancies caused by, above grade of second lieutenant, to be filled by promotion.*—All vacancies created or caused by the foregoing provisions of this section in grades above that of second lieutenant shall be filled by promotion according to law existing on and before the date of approval of this Act, and subject to the examinations prescribed by existing law. *Id.*

929d. *Same—Assignment of details from each arm.*—As soon as practicable after such promotions shall have been made, there shall be detached from each arm and assigned to the Detached Officers' List a number of officers of each grade equal to the number of officers of said grade by which said arm shall have been increased by the foregoing provisions of this section; and thereafter any vacancy created or caused in any of the said arms of the service by the assign-

[1] Paragraph 929, ante, or 36 Stat. 1058.

ment of an officer of any grade to said Detached Officers' List shall be filled, subject to such examination as is now or may hereafter be prescribed by law, by the promotion of the officer who shall be the senior in length of commissioned service of those eligible to promotion in the next lower grade in the arm in which such vacancy shall occur. *Id.*

929e. *Same—Manchu law to govern assignments to.*—No officer of any of said arms of the service shall be permitted to remain on said Detached Officers' List for more than forty-five days unless he shall have been actually present for duty for at least two years out of the last preceding six years with an organization composed of one or more statutory units, or the equivalent thereof, of the arm to which he shall belong. Any vacancy created in said list by the removal of any officer therefrom because he shall not have been present for duty as before prescribed in this proviso shall be filled by the transfer to said list of an officer having the same grade and belonging to the same arm as the officer whose removal from said list shall have created said vacancy; but, except as before prescribed in this proviso, all officers who shall have been assigned to said list shall remain thereon for not less than four years from the respective dates of their assignment thereto, unless in the meantime they shall have been separated entirely from the Army, or shall have been promoted or appointed to higher offices, or shall have been retired from active service.[1] *Id.*

929f. *Same—Vacancies occurring after original assignment to list, filling of.*—After the apportionment of officers to said Detached Officers' List shall have been made as authorized by this Act, whenever any vacancy shall have been caused in said list by the separation of an officer of any grade therefrom, such vacancy shall, except as prescribed in the last preceding proviso, be filled by the detail and assignment to said list of an officer of the corresponding grade in that arm in which there shall be found the officer of the next lower grade who at that time shall be the senior in length of commissioned service of all the officers of the said lower grade in all of the four arms hereinbefore specified; if two or more officers of different arms shall

[1] *Held*, that while an officer's name must be removed from the Detached Officers' List when he has not had certain service with troops, it can not otherwise be removed from that list (except on account of retirement, separation from service, etc.), until it has been thereon for at least four years; therefore an officer's name may not be removed from the Detached Officers' List for the purpose of detailing him to the General Staff Corps for the reason that while officers may, pursuant to various provisions of law, be transferred from one position to another, as from line to staff and vice versa, or from line to Detached Officers' List and vice versa, it is clear that one officer may not hold two positions at the same time, thus: An officer may not occupy a position in the line and one in the staff at the same time; neither may he occupy a position on the Detached Officers' List and one in the staff or line at the same time. (War Dept. Bull. 57, Dec. 22, 1916.)

be found to have equal seniority in length of commissioned service in said lower grade, the question of seniority shall be decided by their relative standing on the list of the commissioned officers of the Army. *Id.*

(For the next provision of this section see paragraph 929i; see also paragraph 929h.)

929g. *Same—Assignment of constructive dates of original commission.*—In applying section twenty-five of the national defense Act approved June third, nineteen hundred and sixteen, the President shall assign to officers of the Army such constructive dates of original commission, from which lengths of commissioned service shall be computed, as will preserve their rights to promotion in accordance with their relative order on the lineal lists of their arms and continue in effect losses of files occasioned by sentences of courts-martial or failures to pass required examinations for promotion, said constructive dates of original commission to be subject to change whenever a change thereof may be necessary in order to carry into effect losses of files hereafter incurred by any officer through a sentence of court-martial or a failure to pass a required examination for promotion. *Act of Aug. 29, 1916 (39 Stat. 623).*

(See paragraph 929a.)

929h. *Same—Senior officer in any grade according to constructive date of original commission to be considered senior in that grade.*—In determining the arm from which a detail is to be made to a vacancy in the detached officers' list, as provided in the third proviso of section twenty-five of the national defense Act approved June third, nineteen hundred and sixteen, the officer of any grade who is the senior in that grade according to the constructive dates of original commission provided for in the preceding proviso shall be considered the senior in length of commissioned service of all officers of that grade. *Id.*

(See paragraph 929f.)

929i. *Cavalry increased by seventeen colonels and Infantry by four colonels to equalize promotions.*—With a view further to equalize inequalities in past promotions of officers of the line of the Army, on July first, nineteen hundred and sixteen, the Cavalry shall be increased by seventeen colonels, and the Infantry by four colonels, all of whom shall be additional officers in that grade, and shall not bar nor retard the promotion to which any officer would be entitled if the appointment of the said additional officers had never been authorized; and after July first, nineteen hundred and nineteen, no vacancies occurring among the said additional officers shall be filled

and the offices so vacated shall cease and determine. *Sec. 25, act of June 3, 1916 (39 Stat. 184).*

(For the provision of this section immediately preceding this paragraph see paragraph 929f, and for the ensuing provision see paragraph 935a. For the number of regiments of Cavalry and Infantry see paragraph 331a; for the organization of a Cavalry regiment see paragraph 1071a; and for the organization of an Infantry regiment see paragraph 1095a.)

930a. *Examinations extended to promotions to all grades below that of brigadier general.*—The provisions of existing law requiring examinations to determine fitness for promotion of officers of the Army are hereby extended to include promotions to all grades below that of brigadier general. *Sec. 24, Id. 183.*

(For the provision of this section immediately preceding this paragraph see paragraph 931a.)

930b. *Same—Character of examination for grades of major and lieutenant colonel.*—Examinations of officers in the grades of major and lieutenant colonel shall be confined to problems involving the higher functions of staff duties and command. *Id.*

931a. *Appointment from civil life, recommissioning honorably discharged officers, lineal and relative rank of.*—The President may recommission persons who have heretofore held commissions in the Regular Army and have left the service honorably, after ascertaining that they are qualified for service physically, morally, and as to age and military fitness; such recommissioned officers shall take rank at the foot of the respective grades which they held at the time of their separation from the Army.[1] *Id.*

(For the provision of this section immediately preceding this paragraph see paragraph 931g, and for the ensuing provision see paragraph 930a.)

931b. *Loss of files on account of increase of arm, corps, or branch, due to suspension from promotion on failure to pass examination, allowance for.*—When by reason of increase in the arm, corps, or

[1] *Held*, that this provision creates no new office, and that a former officer can only be recommissioned thereunder to fill an existing vacancy. (64–213.2, J. A. G., June 20, 1916.) *Held, further*, that this provision relates exclusively to persons who are not a part of the Army and does not apply to officers on the retired list. (88–110, J. A. G., May 27, 1916.) Also held, that one who prior to the passage of the national-defense act had honorably resigned from the Medical Corps while a captain my, though he be over 30 years of age, be recommissioned (that is, reappointed) in said corps under the above provisions of section 24 of that act, without regard to the requirement of section 10 thereof that persons hereafter commissioned in the Medical Corps shall be between the ages of 22 and 30 years, the latter provision, in respect of age at least, being applicable to original appointments as first lieutenants in said corps.

Inquiry was made whether an ex-officer who had been discharged for failure to pass an examination for promotion, under the act of October 1, 1890 (26 Stat., 562), could be recommissioned under section 24, supra.

Held, that, since section 24 requires "military fitness," and since an officer discharged under the act of 1890 has had his military fitness tested in the most complete manner possible, section 24 does not contemplate or authorize the recommission of such ex-officer. (War Dept. Bull. 15, Mar. 24, 1917.

branch of the service in which an officer is commissioned his loss of files in lineal rank due to suspension from promotion on account of failure to pass the required examination therefor exceeds the loss he would have sustained if no such increase had occurred, he shall, if promoted upon reexamination, be advanced to the position he would have occupied in the grade to which promoted had no increase occurred. *Act of Aug. 29, 1916 (39 Stat. 623.)*

935a. *Transfer, with or without promotion, from one arm of the service to another in order to lessen inequalities in promotions.*—For the purpose of lessening as much as possible inequalities of promotion due to the increase in the number of officers of the line of the Army under the provisions of this Act, any vacancies created or caused by this Act in commissioned grades below that of lieutenant colonel in any arm of said line may, in the discretion of the President and under such regulations as he may prescribe in furtherance of the purpose stated in this proviso, be filled by the promotion or transfer without promotion of officers of other branches of the line of the Army; but no such promotion or transfer shall be made in the case of any officer unless it shall have been recommended by an examining board composed of five officers, senior in rank to such officer, and of the arm to which the promotion or transfer of such officer shall have been proposed, who, after having made a personal examination[1] of such officer and of his official record, shall have reported him qualified for service in said arm in the grade to which his promotion or transfer shall have been proposed.[2] *Sec. 25, Act of June 3, 1916 (39 Stat. 185).*

(See par. 929l for increase of 17 colonels of Cavalry and 4 colonels of Infantry to equalize inequalities in past promotions of officers of the line of the Army; see also pars. 829a, 929b, 929c, 929d, 929e, 929f, and 929i for the preceding provisions of this section.)

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[1] On the question whether section 25 of the national-defense act of June 3, 1916, in prescribing a "personal examination" by the examining board "of such officer and of his official record," requires the bodily presence of the officer before the board, it being pointed out that such interpretation would involve in many cases extensive journeys at very great expense,

Held, that the word "personal" may be used either subjectively or objectively; that, with reference to the official record, the word is evidently used subjectively and relates to the board, and that if the word is so construed with reference to the officer it would not require the bodily presence of the candidate. As the meaning of the term is doubtful, in deference to the rule that where the language is doubtful a construction which gives it reasonable effect is preferred to one which results in very great inconvenience (*United States* v. *Fisher*, 2 Cranch, 286), the statute in this case should be construed so as not to require a candidate to appear in person before the board which makes recommendations as to his transfer. (War Dept. Bull. 18, Apr. 6, 1917.)

[2] On the question whether or not an officer of the line of the Army may be transferred to the Corps of Engineers under section 25 of the national-defense act of June 3, 1916, authorizing the transfer between branches of the line of the Army for the purpose of lessening inequalities of promotion due to increases under said act,

Held, that such transfer is not authorized. While engineer officers serving with engineer troops are a part of the line of the Army, section 22 of the act of February 2, 1901, prescribing that "the enlisted force of the Corps of Engineers

938½a. ***Restrictions on details, etc., of officers and enlisted men of Regular Army suspended.***—All existing restrictions upon the detail, detachment, and employment of officers and enlisted men of the Regular Army are hereby suspended for the period of the present emergency. *Sec. 11, Act of May 18, 1917 (40 Stat. 82).*

(For the preceding section of this act see pars. 1668, 695b, 695c, and for the ensuing section see pars. 1295a–1295d.)

942a. ***Details in connection with Indian education.***—The Secretary of War shall be authorized to detail an officer of the Army, not above the rank of Captain, for special duty with reference to Indian education. *Sec. 7, Act of June 23, 1879 (21 Stat. 35).*

[illegible] the officers serving therewith shall constitute a part of the line of the Army," they hold their offices in the Corps of Engineers and are merely detailed on duty with troops; that such vacancies as may be said to occur in the commissioned personnel of troop organizations are not filled by appointment to office but by the detail of a person holding office in the Corps of Engineers; and that the transfer of a line officer to the Corps of Engineers would not fill a vacant office in the line, but would fill a vacant office in a staff corps. (Id.)

Upon the question whether an officer transferred to another arm under the provisions of section 25 of the national-defense act subsequent to May 15, 1917, would be given a place on the lineal list of that arm determined by his relative rank on the passage of the bill June 3, 1916, or determined by his relative rank at the date of his actual transfer,

Held, that the purpose of the fifth proviso of section 25 of the national-defense act is limited to lessening inequalities of promotion due to the increase in the number of officers of the line of the Army under the provisions of the national-defense act; that the only inequalities of promotion which could result from the addition of officers would be inequalities between arms, and not inequalities between individuals within either of the arms; that the purpose of the statute, therefore, is to authorize transfer from the arm receiving the smaller increase to the arm receiving the larger increase, thus increasing the promotion in one arm and at the same time decreasing it in the other, and so producing an equality or a nearer approach thereto. Therefore, the statute does not address itself to equalizing or benefiting the persons transferred. Equity dictates, however, that the regulations made by the President for such transfer shall be equity to officers transferred. This has been done by prescribing that the officer transferred shall retain his relative rank at the date of the transfer. The increases authorized by the national-defense act were by the act itself divided into increments, and it is but a logical conclusion that each increment should constitute a separate and distinct addition to the Regular Army, except when two or more are added at the same time, as has been those on May 15, 1917. When the first increment was added, certain vacancies which were thereby caused or created on July 1, 1916, were reserved for officers who were to be transferred when their eligibility should be determined. There was, therefore, nothing in the way of assigning to those officers when transferred constructive dates of transfer corresponding with the vacancies which existed on the dates constructively adopted and were reserved for those officers. All vacancies to which transfers might be made which were created or caused by the first increment have now been filled, and there are therefore no vacancies created or caused by that increment to which the transfer of an officer can relate back in fixing a constructive date of transfer. Therefore, officers now transferred to another arm under the proviso quoted must take the relative rank which they had when the vacancies to which they were transferred occurred, there being no authority of law for disturbing, in order to benefit officers transferred to vacancies created by other increments, the relative rank established by the completion of the first increment. A disturbance of the relative rank established by the completion of the first increment would not lessen the inequalities of promotion due to the increase in the number of officers of the line of the Army as defined above, and therefore would not come within the purpose or authority of the national-defense act. (War. Dept. Bull. 49, Aug. 22, 1917.)

942b. *Details to industrial-training schools for Indian youth.*—The Secretary of War be, and he is hereby, authorized to set aside, for use in the establishment of normal and industrial training schools for Indian youth from the nomadic tribes having educational treaty claims upon the United States, any vacant posts or barracks, so long as they may not be required for military occupation, and to detail one or more officers of the Army for duty in connection with Indian education, under the direction of the Secretary of the Interior, at each such school so established. *Act of July 31, 1882 (22 Stat. 181).*

951a. *Sales of Army supplies, etc., to military schools.*—Under such regulations as the Secretary of War may prescribe, educational institutions to which an officer of the Army is detailed as professor of military science and tactics may purchase from the War Department for cash, for the use of their military students, such stores, supplies, matériel of war, and military publications as are furnished to the Army, such sales to be at the price listed to the Army with the cost of transportation added. *Act of July 17, 1914 (38 Stat. 512).*

951b. *Same—Receipts to be credited to original appropriations.*—All moneys received from the sale of stores, supplies, matériel of war, and military publications to educational institutions to which an officer of the Army is detailed as professor of military science and tactics shall, respectively, revert to that appropriation out of which they were originally expended and shall be applied to the purposes for which they are appropriated by law. *Id.*

951c. *Sales of ordnance property to educational institutions and soldiers' and sailors' orphans' homes.*—Sales of articles of ordnance property are authorized to educational institutions and State soldiers' and sailors' orphans' homes for maintaining the ordnance and ordnance stores issued to them. *Act of May 11, 1908 (35 Stat. 125).*

953a. *Issue of ordnance and ordnance stores to Washington High School.*—The Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government and which can be spared for that purpose, such as may appear to be required for military instruction and practice by the students of the High School of Washington, District of Columbia, and the Secretary shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof and for the return of the same when required. *Joint Res. No. 9 of Feb. 5, 1891 (26 Stat. 1113).*

954a. *Issue of magazine rifles, etc., for target practice, to clubs and schools.*—The Secretary of War is hereby authorized to issue, without expense to the United States, for use in target practice, United States magazine rifles and appendages therefor not of the existing service model and not necessary for the maintenance of a proper reserve supply, together with forty rounds of ball cartridges suitable to said

arm, for each range at which target practice is had, not to exceed a total of one hundred and twenty rounds per year per man participating in target practice, to rifle clubs organized under the rules of the National Board for the Promotion of Rifle Practice and to schools having a uniformed corps of cadets and carrying on military training, in sufficient number for the conduct of proper target practice. *Act of Apr. 27, 1914 (38 Stat. 370).*

954b. *Same—Regulations to be prescribed by Secretary of War.*—Issues of public property under this provision shall be made in compliance with regulations prescribed by the Secretary of War insuring the designed use of the property issued, providing against loss to the United States through lack of proper care, and for the return of the property when required, and embodying such other requirements as he may consider necessary adequately to safeguard the interests of the United States. *Id.*

954c. *Issue of quartermaster stores, etc., to schools for maintenance of military instruction camps.*—The Secretary of War is authorized to issue, at his discretion and under such regulations as he may prescribe, such quartermaster supplies and stores belonging to the Government, and which can be spared for that purpose, as may appear to be required for the establishment and maintenance of military instruction camps by the students of any educational institution to which an officer of the Army is detailed as professor of military science and tactics; and the Secretary of War shall require a bond in each case in the value of the property for the care and safekeeping thereof and for the return of the same when required. *Act of May 18, 1916 (39 Stat. 123).*

954d. *Issue of targets and target materials, etc., to rifle clubs and schools.*—The Secretary of War is hereby authorized to issue, under such rules and regulations as he may prescribe, for use in target practice, targets, target materials, and other necessary accessories, to rifle clubs organized under the rules of the National Board for the Promotion of Rifle Practice and to schools having a uniformed corps of cadets and carrying on military training, in sufficient number for the proper conduct of target practice. *Act of Aug. 29, 1916 (39 Stat. 643).*

954e. *Detail of enlisted men of Army as instructors in rifle practice to organized rifle clubs.*—The Secretary of War, in his discretion, and under such regulations as he may prescribe, may authorize the detail of enlisted men of the Army as temporary instructors in rifle practice to organized rifle clubs requesting such instruction. *Act of May 12, 1917 (40 Stat. 64).*

955a. *Issue of ammunition of old model to schools to which issue of artillery is authorized.*—Hereafter ammunition of older model

than current may be issued for the instruction in target practice of students at the institutions to which the issue of artillery is authorized to the value of not more than five thousand dollars of original cost in any one year. *Act of Mar. 3, 1909 (35 Stat. 730).*

955b. *Target practice at educational institutions, etc.*—For manufacture of ammunition, targets, and other accessories for small-arms and machine-gun target practice and instruction; marksmen's medals, prize arms, and insignia for all arms of the service; and ammunition, targets, target materials, and other accessories may be issued for small-arms target practice and instruction at the educational institutions and State soldiers' and sailors' orphans' homes to which issues of small arms are lawfully made, under such regulations as the Secretary of War may prescribe, provided the total value of the stores so issued to the educational institutions and homes does not exceed $30,000[1] * * *. *Act of Mar. 4, 1915 (38 Stat. 1082).*

TRANSFER OF RETIRED OFFICERS TO ACTIVE LIST.

958a. *Under age of fifty years, and not above grade of captain.*—Hereafter the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to transfer to the active list of the Army any officer under fifty years of age and with rank not above that of captain who may have been transferred heretofore or who may be transferred hereafter for physical disability from the active to the retired list of the Army by the action of any retiring board. *Act of Mar. 4, 1915 (38 Stat. 1068).*

958b. *Same—Place to which transferred on active list.*—Such officer shall be transferred to the place on the active list which he would have had if he had not been retired, and shall be carried as an additional number in the grade to which he may be transferred or at any time thereafter promoted.[1] *Id.*

958c. *Same—Promotion after examination.*—Such officer shall stand a satisfactory medical and professional examination for promotion as now provided for by law. *Id.*

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[1] Similar provision in act of April 27, 1914 (38 Stat. 370).

[1]A retired officer of the Army in the grade of first lieutenant was transferred to the active list March 22, 1917, "with the rank of captain of Infantry from July 1, 1916," under the provisions of the act approved March 4, 1915 (38 Stat., 1068), which authorizes the transfer of retired officers to the place on the active list which they would have had had they not been retired. The officer duly accepted his commission as captain, and thereupon the question was presented whether he was entitled to the difference in pay between the grades of first lieutenant and captain commencing July 1, 1916, the time from which his rank as captain dated under the order transferring him to the active list.

Held, that the date when the officer accepted his commission as captain, and thereby became invested with the office, was the date when the pay as captain commenced, and not before, since the rate of pay is attached to the office and not to the rank which the officer has.

(Comp. of the Treas., May 3, 1917. War Dept. Bull. 34, June 8, 1917.)

958d. *Officers retired for physical disability, transfer to active list.*—The President be, and he is hereby, authorized within two years[1] of the approval of this act, by and with the advice and consent of the Senate, to transfer to the active list of the Army any officer who may have been transferred heretofore for physical disability from the active to the retired list of the Army by the action of any retiring board. *Id.*

958e. *Same—Officers heretofore transferred entitled to benefits of* ' '—Any officer who may have already been transferred from the retired list to the active list shall receive the benefits of this act. *Id. 1069.*

958f. *Details for active duty, rank and pay of retired officers retiring.*—Hereafter any retired officer, who has been or shall be detailed on active duty, shall receive the rank, pay, and allowances of the grade, not above that of major, that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retirement equal to the total amount of time during which he has been detailed on active duty since his retirement.[2] *Sec. 24, Act of June 3, 1916 (39 Stat. 183).*

(For provision of this section immediately preceding this paragraph see paragraph 961a. In determining rights of officers under this paragraph, see paragraph 1084a for provision that officers retired before the separation of the Field Artillery from the Coast Artillery shall be regarded as having belonged to the Field Artillery.)

958g. *List of and periodical examination of officers retired for disability with a view to assigning them to active duty.*—The Secretary of War shall make a list of all officers of the Army who have been placed on the retired list for disability and shall cause such officers to be examined at intervals as may be advisable, and such officers as shall be found to have recovered from such disabilities or to be able to perform service of value to the Government sufficient to warrant such action shall be assigned to such duty as the Secretary of War may approve. *Act of Aug. 29, 1916 (39 Stat. 629).*

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[1] See 958b as to place to be occupied on active list and 958c as to examination prior to promotion.

[2] *Held*, that the act of June 3, 1916, does not expressly, or by necessary implication, repeal or modify any part of the act of March 2, 1903, and that as the latter act expressly provides that time after retirement shall not be counted for seniority purposes, officers coming within the provision in question of the act of June 3, 1916, are not entitled to any higher pay in the grade that they would have attained in due course of promotion if they had remained on the active list than the pay of such higher grade computed on the length of their service at the time of their retirement.

(Comp. Treas., July 28, 1916. War Dept. Bull. 28, 1916.)

Held, that service of a retired officer under a commission in the Volunteers during the Spanish-American War could not be counted for the purpose of advancement in grade under section 24 of the national defense act, last sentence, which applies only to officers "detailed to active duty." (War Dept. Bull. 39, Oct. 6, 1916.)

958h. *Officers retired for services in constructing Panama Canal, certain may be transferred to active list.*—Hereafter the President be, and he is hereby, authorized, within one year of the approval of this Act, by and with the advice and consent of the Senate, to transfer, upon application, to the active list of the Army any officer under fifty years of age who may have been transferred heretofore from the active to the retired list of the Army under the Act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, and for other purposes, approved March fourth, nineteen hundred and fifteen.[1] *Act of Feb. 23, 1917 (39 Stat. 937).*

958i. *Same—Rank, grade, and arm.*—Such officers shall take rank at the foot of the respective grades which they held at the time of their retirement and shall be carried as an additional number in the grade to which he may be transferred or at any time thereafter promoted, and shall be promoted on the same date as the officer next above him in rank, and shall be commissioned in the arm or department of the Army from which he was retired. *Id.*

958j. *Same—Examination for transfer and for promotion.*—Such officer shall stand a satisfactory medical examination, and when promoted shall stand the medical and professional examinations provided for by law. *Id.*

958k. *Same—After transfer, subsequent retirement only for age or disability.*—Any officer transferred to the active list under this Act shall not again be entitled to the benefits of the Panama Canal Act described above, except when retired for age or for physical disability incurred in the line of duty. *Id.*

961a. *Employment of retired officers in time of war.*—In time of war retired officers of the Army may be employed on active duty, in the discretion of the President, and when so employed they shall receive the full pay and allowances of their grade.[2] *Sec. 24, Act of June 3, 1916 (39 Stat. 183).*

(For the provision of this section immediately preceding this paragraph see paragraph 930b, and for the ensuing provision see paragraph 958f.)

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[1] See paragraphs 927a–927k, ante.

[2] *Held,* that this provision supersedes previous statutes governing the pay of retired officer assigned to active duty in time of war and that under such provision all retired officers of the Army placed on active duty in time of war are entitled to the full pay and allowances of their grades; but it has reference only to such officers as are specifically assigned to active duty of a strictly military character under said provision, and does not apply to those detailed as instructors in educational institutions. (23 Comp. Treas., 577 id., 605. War Dept. Bull. 34, June 8, 1917.)

Held, that as retired officers ordered to active duty under this statute are entitled to active duty pay only when "employed on active duy," full pay and allowances do not begin to accrue until the officer starts to obey his orders placing him on active duty. (War Dept. Bull. 54, Sept. 30, 1917.)

969a. *Retired Army officers, with certain Civil War service, may be appointed and retired with increased rank.*—The President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, any brigadier general of the Army on the retired list who has held the rank and command of major general of Volunteers and performed the duties incident to that grade in time of actual warfare, and has been honorably discharged, and who served with credit in the Regular or Volunteer forces during the Civil War prior to April ninth, eighteen hundred and sixty-five, to the grade of major general in the United States Army and place him on the retired list with the pay of brigadier general on the retired list; and any officer now on the retired list of the Army who served with credit for more than two years as a commissioned officer of Volunteers during the Civil War prior to April ninth, eighteen hundred and sixty-five, and who subsequently served with credit for more than forty years as a commissioned officer of the Regular Army, including service in command of troops in five Indian campaigns, the War with Spain, and the Philippine insurrection, and to whom the congressional medal of honor for most distinguished conduct in action has been twice awarded, and who has also been brevetted for conspicuous gallantry in action, and place him on the retired list of the Army with the rank and retired pay of one grade above that actually held by him at the time of his retirement from active service in the Regular Army. *Act of Mar. 4, 1915 (38 Stat. 1084).*

969b. *Same—Advancement of brigadier general on the retired list, with certain Civil War service, one grade.*—The President be, and he is hereby, authorized to appoint to the grade of major general on the retired list of the Army any brigadier general now borne on said list who served with credit in the Army throughout both the Civil War and the War with Spain, as well as during the interval between said wars, and who, being a general officer, exercised with efficiency and gallantry the command of a brigade or of a higher unit in action or in actual operations against an enemy, and who in consideration of services so rendered was recommended to be a major general, United States Volunteers, by the commanding general of the Army, as shown by the records of the War Department. *Act of Aug. 29, 1916 (39 Stat. 628).*

969c. *Same—Advancement of retired brigadier general who had certain Civil War service as senior colonel, and so forth.*—Any brigadier general on the retired list who as senior colonel commanded with credit a brigade or higher unit in the Civil War, though not so recommended, may be advanced in grade as authorized by this paragraph if he fulfills the other requirements thereof. *Id.*

969d. *Same—Advancement to grade of major general on retired list of retired officer who had certain Civil War service, etc.*—The President be, and he is hereby, authorized to appoint and place on the retired list of the Army with the rank of major general any officer on the retired list who served not less than one year in the Regular or Volunteer forces of the United States during the Civil War prior to April ninth, eighteen hundred and sixty-five, and who was honorably discharged therefrom, who has since served not less than forty years as a commissioned officer of the Regular Army, and who was the last Civil War veteran on the active list of the Army for over two years before retirement and had ranked every general officer on the active list in length of service when he retired. *Id.*

969e. *Same—Advancement of retired colonel one grade on retired list who had certain service in Indian campaigns, War with Spain, etc.*—The President be, and he is hereby, authorized to appoint any colonel of the Army on the retired list who before retirement served more than forty-five years and six months, including sixteen years in the line of the Army, who held command in the line or staff over nine and a half years, who received campaign badges for service in four Indian campaigns and in the War with Spain and the Philippine insurrection, and who was recommended by the commanding general in time of war or insurrection for appointment to the grade of general officer in the Volunteer Army, to the grade of brigadier general on the retired list: *Provided*, That such officer did not receive advanced grade upon retirement nor has since received any advance over the grade held at the date of retirement. *Id 627.*

975a. *Retired officer assigned to active duty as post commander during movement of troops, pay and allowances of.*—When by reason of the movement of troops a post is temporarily left without its regular garrison and with no commissioned officer except of the Medical Reserve Corps on duty thereat, the Secretary of War may assign a retired officer of the Army, with his consent, to active duty in charge of such post. The officer so assigned shall perform the duties of commanding officer and also any necessary staff duties at such post, and shall, while in the performance of such duties, receive the full pay and allowances of his grade, subject to the limitations imposed by the act of March second, nineteen hundred and five,[1] and the Act of June twelfth, nine hundred and six,[1] which limitations shall include the grades of brigadier general, major general, and lieutenant general. *Id. 627.*

975b. *Assignments to active duty as acting quartermasters.*—Assignments which have been, or may hereafter be made, of retired officers of the Army to active duty as acting quartermasters shall be

[1] See paragraphs 974 and 975.

regarded as assignments to staff duties not involving service with troops within the meaning of the Act of Congress approved April twenty-third, nineteen hundred and four.[1] *Act of May 12, 1917 (40 Stat. 48).*

975c. *Longevity pay, computation to include details to active duty.*—Hereafter any retired officer of the Army who has been detailed to active duty, and who has since his retirement, served on active detail shall be entitled to increases of longevity pay to be computed as provided by existing statute for the computation of longevity pay, for the time of his service before retirement and on active detail since his retirement.[2] *Id.*

975d. *Retired officers who have served in Corps of Engineers, assignment to active duty.*—When retired officers of the Army, any portion of whose active service was in the Corps of Engineers, are called back into active service they shall be eligible to fill any position required by law to be filled by an officer of the Corps of Engineers. *Joint Resolution of June 15, 1917 (40 Stat. 231).*

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[1] See paragraph 958, ante, or 33 Stat. 264.

[2] *Held*, that under this legislation, which is to be read in connection with the last proviso of section 24, national-defense act of June 3, 1916, retired officers coming within its operation are entitled to increases of longevity pay, on account of active service rendered since retirement, not only while on such active duty but also after they have been relieved from such duty.

Held further, that the act in question deals also with allowance of longevity credit for all active service rendered by such officers since retirement, including any such service rendered before the passage of the act of May 12, 1917. (Comp. Treas., June 7, 1917; War Dept. Bull. 49, Aug. 22, 1917.)

CHAPTER XXV.

BREVETS—UNIFORM AND TITLE OF EX-OFFICERS—MEDALS OF HONOR—CERTIFICATES OF MERIT—FOREIGN DECORATIONS.

	Par.
Uniform	1010a–1010f
Unlawful for unauthorized persons to wear, of Army, Navy, or Marine Corps	1010a
Same—Not applicable to certain organizations and persons	1010b
Same—Uniform for the National Guard, military societies, and instructors or members of cadet corps to bear distinctive mark or insignia	1010c
Same—Members of military societies and instructors, and members of cadet corps not to wear insignia of rank of officers of Army, etc	1010d
Same—Penalty for violation of provisions of section	1010e
Same—Provisions extended to Coast Guard	1010f
Medals of Honor	1013a–1014m
Authorization of, for noncommissioned officers and privates	1013a
Bronze medals to volunteers for services in suppressing Philippine insurrection	1013b
Same—Appropriation for	1013c
Army and Navy Medal of Honor roll	1014a–1014h
Establishment of, etc	1014a
Same—Duty of Secretary of War, etc., to carry act into effect and issue certificates to applicants	1014b
Same—Special pension of $10 per month to each person whose name is placed on roll	1014c
Same—Date of beginning and continuation of	1014d
Same—To be additional to pension which beneficiary may receive under any other law	1014e
Same—Not subject to taxes or any civil process	1014f
Same—Holder of two or more medals entitled to but one special pension; rank in service not to be considered	1014g
Same—Allowances to be paid from appropriations for invalid pensions	1014h
Board to investigate awards of medals of honor	1014i–1014m
Composition of board, etc	1014i
Same—Name of recipient to be stricken from medal of honor list on finding of board	1014j
Misdemeanor for recipient to publicly wear or display medal after name is stricken from list	1014k
Board given access to records of War Department	1014l
Actual expenses of board payable from contingencies of Army for War Department	1014m

UNIFORM.

1010a. *Unlawful for unauthorized persons to wear, of Army, Navy, or Marine Corps.*—It shall be unlawful for any person not an officer or enlisted man of the United States Army, Navy, or Marine Corps to wear the duly prescribed uniform of the United States Army, Navy, or Marine Corps, or any distinctive part of such uniform, or a uniform any part of which is similar to a distinctive part of the duly prescribed uniform of the United States Army, Navy, or Marine Corps. *Sec. 125, Act of June 3, 1916 (39 Stat. 216).*

1010b. *Same—Not applicable to certain organizations and persons.*—The foregoing provision shall not be construed so as to prevent officers or enlisted men of the National Guard from wearing, in pursuance of law and regulations, the uniform lawfully prescribed to be worn by such officers or enlisted men of the National Guard; nor to prevent members of the organization known as the Boy Scouts of America, or the Naval Militia, or such other organizations as the Secretary of War may designate,[1] from wearing their prescribed uniforms; nor to prevent persons who in time of war have served honorably as officers of the United States Army, Navy, or Marine Corps, Regular or Volunteer, and whose most recent service was terminated by an honorable discharge, muster out, or resignation, from wearing, upon occasions of ceremony, the uniform of the highest grade they have held by brevet or other commission in such Regular or Volunteer service; nor to prevent any person who has been honorably discharged from the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing his uniform from the place of his discharge to his home, within three months after the date of such discharge; nor to prevent the members of military societies composed entirely of honorably discharged officers or enlisted men, or both, of the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing, upon occasions of ceremony, the uniform duly prescribed by such societies to be worn by the members thereof; nor to prevent the instructors and members of the duly organized cadet corps of a State university, State college, or public high school offering a regular course in military instruction from wearing the uniform duly prescribed by the authorities of such university, college, or public high school for wear by the instructors and members of such cadet corps; nor to prevent the instructors and

[1] *Held*, that, as the organizations that are expressly named as excepted are either military or quasi-military, and in view of the rule of associated words, it was the intention of Congress that the Secretary of War's authority to designate other organizations should be limited to those of a similar character, and that the Secretary of War is, therefore, not authorized to designate the Army Young Men's Christian Association as an organization exempt from the provsions of section 125 of the national-defense act. (War Dept. Bull. 3, Jan. 19, 1917.)

members of the duly organized cadet corps of any other institution of learning offering a regular course in military instruction, and at which an officer or enlisted man of the United States Army, Navy, or Marine Corps is lawfully detailed for duty as instructor in military sicence and tactics, from wearing the uniform duly prescribed by the authorities of such institution of learning for wear by the instructors and members of such cadet corps; nor to prevent civilians attendant upon a course of military or naval instruction authorized and conducted by the military or naval authorities of the United States from wearing, while in attendance upon such course of instruction, the uniform authorized and prescribed by such military or naval authorities for wear during such course of instruction; nor to prevent any person from wearing the uniform of the United States Army, Navy, or Marine Corps in any playhouse or theater or in moving-picture films while actually engaged in representing therein a military or naval character not tending to bring discredit or reproach upon the United States Army, Navy, or Marine Corps.[1] *Id.*

1010c. *Same—Uniform for the National Guard, military societies, and instructors or members of cadet corps to bear distinctive mark or insignia.*—The uniform worn by officers or enlisted men of the National Guard, or by the members of the military societies or the instructors and members of the cadet corps[2] referred to in the preceding proviso shall include some distinctive mark or insignia to be prescribed by the Secretary of War to distinguish such uniforms from the uniforms of the United States Army, Navy, and Marine Corps. *Id. 217.*

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[1] Home Guards may not, without authority therefor from the Secretary of War, wear any uniform which bears a prohibited similarity to the uniform of the United States, but the Secretary of War has power to grant such authority on condition that the uniform bear some mark or insignia distinguishing it from the uniform prescribed for the United States Army. (War Dept. Bull. 67, Nov. 30, 1917.)

An officer of the Reserve Corps who is honorably discharged from the service of the United States before having reached the age limit for appointment or reappointment in the Corps in which he is commissioned, or if in Corps having no age limit, before the completion of five years of service therein, is not entitled to wear the uniform of the highest grade he shall have held in the Officers' Reserve Corps on occasions of ceremony or when visiting an Army post or cantonment or at any other time, nor has he the right to wear any part of the uniform. (Dig. Opin. J. A. G., January, 1918.)

Women officials of the American Red Cross may wear on their prescribed uniform in foreign countries, constituting the theater of active war, the insignia of title and assimilated rank required to be worn as a distinctive mark to distinguish such uniform from the uniform of the United States Army. (Id., February, 1918.)

[2] An instructor of a cadet corps in a high school, while entitled to wear the uniform prescribed by such institution for wear by the instructors of its cadet corps, is expressly forbidden by section 125 of the national defense act of June 3, 1916 (39 Stat. 217), to wear the uniform of the United States Army or any distinctive part thereof, or a uniform any part of which is similar to a distinctive part thereof or the insignia of rank prescribed to be worn by officers of the United States Army or any insignia of rank similar thereto.

1010d. *Same—Members of military societies and instructors and members of cadet corps not to wear insignia of rank of officers of Army, etc.*—The members of the military societies and the instructors and members of the cadet corps hereinbefore mentioned shall not wear the insignia of rank prescribed to be worn by officers of the United States Army, Navy, or Marine Corps, or any insignia of rank similar thereto. *Id.*

1010e. *Same—Penalty for violation of provisions of section.*—Any person who offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding $300, or by imprisonment not exceeding six months, or by both such fine and imprisonment. *Id.*

1010f. *Same—Provisions extended to Coast Guard.*—Section one hundred and twent-five of the Act entitled "An Act for further and more effectual provision for the national defense, and for other purposes," approved June third, nineteen hundred and sixteen, shall apply to the Coast Guard in the same manner as to the Army, Navy, and Marine Corps. *Act of Aug. 29, 1916 (39 Stat. 649), amending sec. 125, Act of June 3, 1916 (39 Stat. 216).*

MEDALS OF HONOR.

1013a. *Authorization of for noncommissioned officers and privates.*—The President of the United States be, and he is hereby, authorized to cause two thousand "medals of honor" to be prepared with suitable emblematic devices, and to direct that the same be presented, in the name of Congress, to such noncommisisoned officers and privates as shall most distinguish themselves by their gallantry in action, and other soldier-like qualities during the present insurrection. *Resolution No. 52 of July 12, 1862 (12 Stat. 623).*

1013b. *Bronze medals to volunteers for services in suppressing Philippine insurrection.*—The Secretary of War be, and he is hereby, authorized and directed to procure a bronze medal, with suitable device, to be presented to each of the several officers and enlisted men and families of such as may be dead, who, having volunteered and enlisted under the calls of the President for the war with Spain, served beyond the term of their enlistment to help to suppress the Philippine insurrection, and who subsequently received an honorable discharge from the Army of the United States, or who died prior to such discharge. *Sec. 1, Act of June 29, 1906 (34 Stat. 621).*

1013c. *Same—Appropriation for.*—The sum of five thousand dollars is hereby appropriated, out of any funds in the Treasury of the United States not otherwise appropriated, for the purpose of carrying this Act into effect. *Sec. 2, id.*

ARMY AND NAVY MEDAL OF HONOR ROLL.

1014a. *Establishment of, etc.*—There is hereby established in the War Department and Navy Department, respectively, a roll designated as "the Army and Navy medal of honor roll." Upon written application made to the Secretary of the proper department, and subject to the conditions and requirements hereinafter contained, the name of each surviving person who has served in the military or naval service of the United States in any war, who has attained or shall attain the age of sixty-five years, and who has been awarded a medal of honor for having in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty, and who was honorably discharged from service by muster out, resignation, or otherwise, shall be, by the Secretary of the proper department, entered and recorded on said roll. Applications for entry on said roll shall be made in such form and under such regulations as shall be prescribed by the War Department and Navy Department, respectively, and proper blanks and instructions shall be, by the proper Secretary, furnished without charge upon request made by any person claiming the benefits of this Act. *Sec. 1, Act of Apr. 27, 1916 (39 Stat. 53).*

1014b. *Same—Duty of Secretary of War, etc., to carry Act into effect and issue certificates to applicants.*—It shall be the duty of the Secretary of War and of the Secretary of the Navy to carry this Act into effect and to decide whether each applicant, under this Act, in his department is entitled to the benefit of this Act. If the official award of the medal of honor to the applicant, or the official notice to him thereof, shall appear to show that the medal of honor was awarded to the applicant for such an act as is required by the provisions of this Act, it shall be deemed sufficient to entitle the applicant to such special pension without further investigation. Otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence now on file in any public office or department shall be considered. A certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the medal of honor was awarded, and of enrollment under this Act, and of the right of the special pensioner to be entitled to and to receive the special pension herein granted, shall be furnished each person whose name shall be so entered on said roll. The Secretary of War and the Secretary of the Navy shall deliver to the Commissioner of Pensions a certified copy of each of such of said certificates as he may issue, as aforesaid, and the same shall be full and sufficient authority to the Commissioner of Pensions for the payment by him to the beneficiary named in each such certificate the special pension herein provided for. *Sec. 2, id. 54.*

1014c. *Same—Special pension of $10 per month to each person whose name is placed on roll.*—Each such surviving person whose name shall have been entered on said roll in accordance with this Act shall be entitled to and shall receive and be paid by the Commissioner of Pensions in the Department of the Initerior, out of any moneys in the Treasury of the United States not otherwise appropriated, a special pension of $10 per month for life, payable quarter yearly. The Commissioner of Pensions shall make all necessary rules and regulations for making payment of such special pensions to the beneficiaries thereof. *Sec. 3, id.*

1014d. *Same—Date of beginning and continuation of.*—Such special pension shall begin on the day that such person shall file his application for enrollment on said roll in the office of the Secretary of War or of the Secretary of the Navy after the passage and approval of this Act, and shall continue during the life of the beneficiary. *Id.*

1014e. *Same—To be additional to pension which beneficiary may receive under any other law.*—Such special pension shall not deprive any such special pensioner of any other pension or of any benefit, right, or privilege to which he is or may hereafter be entitled under any existing or subsequent law, but shall be in addition thereto. *Id.*

1014f. *Same—Not subject to taxes or any civil process.*—The special pension allowed under this Act shall not be subject to any attachment, execution, levy, tax, lien, or detention under any process whatever. *Id.*

1014g. *Same—Holder of two or more medals entitled to but one special pension; rank in service not to be considered.*—In case any person has been awarded two or more medals of honor, he shall not be entitled to and shall not receive more than one such special pension.

Rank in the service shall not be considered in applications filed hereunder. *Sec. 4, id.*

1014h. *Same—Allowances to be paid from appropriations for invalid pensions.*—All allowances made, or hereafter to be made, to medal of honor pensioners under the Act of Congress approved April twenty-seventh, nineteen hundred and sixteen, shall be paid from the moneys appropriated for the payment of invalid and other pensions, and section three of the said Act of April twenty-seventh, nineteen hundred and sixteen, is amended accordinly. *Act of June 30, 1916 (39 Stat. 224), amending Sec. 3, Act of Apr. 27, 1916 (39 Stat. 53).*

BOARD TO INVESTIGATE AWARDS OF MEDALS OF HONOR.

1014i. *Composition of board, etc.*—A board to consist of five general officers on the retired list of the Army shall be convened by the

Secretary of War, within sixty days after the approval of this Act for the purpose of investigating and reporting upon past awards or issues of the so-called congressional medal of honor by or through the War Department; this with a view to ascertain what medals of honor, if any, have been awarded or issued for any cause other than distinguished conduct by an officer or enlisted man in action involving actual conflict with an enemy by such officer or enlisted man or by troops with which he was serving at the time of such action. *Sec. 122, Act of June 3, 1916 (39 Stat. 214).*

1014j. *Same—Name of recipient to be stricken from medal of honor list on finding of board.*—And in any case in which said board shall find and report that said medal was issued for any cause other than that hereinbefore specified the name of the recipient of the medal so issued shall be stricken permanently from the official medal of honor list.[1] *Id.*

1014k. *Misdemeanor for recipient to publicly wear or display medal after name is striken from list.*—It shall be a misdemeanor for him to wear or publicly display said medal, and, if he shall still be in the Army, he shall be required to return said medal to the War Department for cancellation. *Id.*

1014l. *Board given access to records of War Department.*—Said board shall have full and free access to and use of all records pertaining to the award or issue of medals of honor by or through the War Department. *Id.*

1014m. *Actual expenses of board payable from contingencies of Army for War Department.*—The actual and necessary expenses of said board and its members shall be paid out of any appropriations available for contingent expenses of the Army of the War Department. *Id.*

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[1] Certain questions were submitted as to the construction of section 122 of the national-defense act, approved June 3, 1916, providing for the appointment of a board of retired officers to investigate and report upon past awards or issues of the so called congressional medals of honor by or through the War Department.

Held, that as the statute expressly requires that "in any case in which the board shall find and report" that the medal was issued for any cause other than that specified in the statute "the name of the recipient of the medal so issued shall be stricken permanently from the medal of honor list," the Secretary of War is without discretion to review or control the findings of the board; that the law requires from him administrative action (1) to cause the name of the recipient of the medal which the board finds was improperly issued to be stricken "permanently from the official medal of honor list"; and (2) if the recipient "shall still be in the Army" to require him to "return said medal to the War Department for cancellation"; and that the act requires the Secretary of War to proceed at once to give execution to the findings of the board in these respects and gives him no authority to postpone action.

Held further, that although the provision making it a misdemeanor for the recipient of a medal of honor which the board finds was improperly issued to wear or publicly display the same fails to prescribe a penalty for the offense, nevertheless the statute does not charge the Secretary of War with any duty to enforce this provision (War Dept. Bull. 15, Mar. 24, 1917.)

CHAPTER XXVI.

ENLISTED MEN.

	Par.
Enlistment of minors	1028a
Enlistment, term of	1031a
Same—Reenlistment after three years' continuous service	1031b
Same—May be furloughed to Regular Army Reserve after one year's honorable service	1031c
Same—Three years to be counted as enlistment period in computing continuous-service pay	1031d
Final discharge issued at expiration of seven years, but account closed on furlough to Regular Army Reserve	1031e
Regular Army Reserve	1031f-1031o
Composition of	1031f
Same—Organization, training, mobilization, pay, etc., of	1031g
Enlistments in the Regular Army and in, in force at outbreak of war to continue for one year	1031h
Period of enlistments in Regular Army and Regular Army Reserve in force on approval of act	1031h½
Discharge of enlisted men of Regular Army and National Guard on termination of emergency	1031h½
Annual rate of pay for members of	1031i
Same—Active service pay	1031j
Same—Continuous service pay during active service	1031k
Bounty of reservist upon reporting for active duty if physically qualified	1031l
Service in, confers no right to retirement or retired pay; pensionable status	1031m
Use of other Government departments for paying, mobilizing, etc., reserve organizations	1031n
Bounty for reenlistment in time of war of certain honorably discharged men as an auxiliary to	1031o
Premium for recruits may be paid to third and four class postmasters for securing	1032a
Repeal of premium for recruits	1032b
Reenlistment of noncommissioned officer within 20 days with rank of discharge	1034a
Discharge by purchase may be final or by furlough to Regular Army Reserve	1043a
Reenlistment of men discharged from Army to accept commissions in National Guard, etc	1043b
Same—Computation of continuous service pay	1043c
Computation of continuous service pay of discharged enlisted men serving as officers of National Guard, in Officers' Reserve Corps, etc	1043d
Discharge or furlough to Regular Army Reserve on account of dependency of member of family	1044a
Discharge of enlisted men on account of dependents; active duty of retired enlisted men, grades and pay	1044b
Travel allowance of enlisted men on discharge	1045a
Same—Applies to enlisted men of National Guard on discharge from United States	1045b
Sea travel on discharge	1046a
Alien enemies not admitted to citizenship	1054a

1028a. *Enlistment of minors.*—No person under the age of eighteen years shall be enlisted or mustered into the military service of the United States without the written consent of his parents or guardians, provided that such minor has such parents or guardians entitled to his custody and control.[1] *Sec. 27, Act of June 3, 1916 (39 Stat. 186).*

(For the provisions of this section preceding this paragraph, see paragraphs 1031a, 1031b, 1031c, 1031d, and 1034a, and for ensuing provision see paragraph 1032a.)

1031a. *Enlistment, term of.*—On and after the first day of November, nineteen hundred and sixteen, all enlistments in the Regular Army shall be for a term of seven years, the first three years to be in the active service with the organizations of which those enlisted form a part and, except as otherwise provided herein, the last four years in the Regular Army Reserve hereinafter provided for. *Id.*

(See paragraph 1031h, post, for provision that all enlistments in the Regular Army and in the Regular Army Reserve in force on date of outbreak of war shall continue for one year, but nothing in the proviso shall shorten the term of enlistment prescribed.)

1031b. *Same—Reenlistment after three years' continuous service.*—At the expiration of three years' continuous service with such organizations, either under a first or any subsequent enlistment, any soldier may be reenlisted for another period of seven years, as above provided for, in which event he shall receive his final discharge from his prior enlistment. *Id. 185.*

1031c. *Same—May be furloughed to Regular Army Reserve after one year's honorable service.*—After the expiration of one year's honorable service any enlisted man serving within the continental limits of the United States whose company, troop, battery, or detachment commander shall report him as proficient and sufficiently trained may, in the discretion of the Secretary of War, be furloughed to the Regular Army Reserve under such regulations as the Secretary of War may prescribe, but no man furloughed to the

[1] No distinction should be made between the Army and the Marine Corps in the treatment of minors.

The following rules have been established by the courts with regard to the discharge of a minor who enlisted without the written consent of his parent or guardian. A minor over 16 can not avoid his enlistment. In re Morrissey (137 U. S. 157); his parent or guardian, to do so, must act seasonably, Ex parte Dostal (243 Fed. 664); Ex parte Rush (246 Fed. 172); and before the minor has attained the age of 18 years. Ex parte Dostal, supra; Ex parte Hubbard (182 Fed. 76). If the minor is being held for an offense against military law, the jurisdiction of the military authorities can not be ousted by the civil courts, Ex parte Dostal, supra; Dillingham v. Booker (163 Fed. 696); Ex parte Rush, supra. On the general subject, see note in 39 L. R. A., N. S., 454. (Dig. Opin. J. A. G., March, 1918.)

reserve shall be eligible to reenlist in the service until the expiration of his term of seven years. *Id. 187.*

1031d. *Same—Three years to be counted as enlistment period in computing continuous-service pay.*—In all enlistments hereafter accomplished under the provisions of this Act three years shall be counted as an enlistment period in computing continuous-service pay. *Id.*

(For ensuing provision of this section see paragraph 1034a.)

1031e. *Final discharge issued at expiration of seven years, but account closed on furlough to Regular Army Reserve.*—No enlisted man in the Regular Army shall receive his final discharge until the termination of his seven-year term of enlistment except upon reenlistment as provided for in this Act or as provided by law for discharge prior to expiration of term of enlistment, but when an enlisted man is furloughed to the Regular Army Reserve his account shall be closed and he shall be paid in full to the date such furlough becomes effective, including allowances provided by law for discharged soldiers. *Sec. 29, id.*

(For ensuing provision of this section see paragraph 1044a.)

1031f. *Composition of.*—The Regular Army Reserve shall consist of, first, all enlisted men now in the Army Reserve or who shall hereafter become members of the Army Reserve under the provisions of existing law; second, all enlisted men furloughed to or enlisted in the Regular Army Reserve under the provisions of this Act; and, third, any person holding an honorable discharge from the Regular Army with character reported at least good who is physically qualified for the duties of a soldier and not over forty-five years of age who enlists in the Regular Army Reserve for a period of four years. Sec. *30, id.*

1031g. *Same—Organization, training, mobilization, pay, etc., of.*—The President is authorized to assign members of the Regular Army Reserve as reserves to particular organizations of the Regular Army or to organize the Regular Army Reserve, or any part thereof, into units or detachments of any arm, corps, or department in such manner as he may prescribe, and to assign to such units and detachments officers of the Regular Army or of the Officers' Reserve Corps herein provided for; and he may summon the Regular Army Reserve or any part thereof for field training for a period not exceeding fifteen days in each year, the reservists to receive travel expenses and pay at the rate of their respective grades in the Regular Army during such periods of training; and in the event of actual or threatened hostilities he may mobilize the Regular Army Reserve in such manner as he may determine, and thereafter retain it, or any part

thereof, in active service for such period as he may determine the conditions demand.[1] *Sec. 31, id.*

1031h. *Enlistments in the Regular Army and in, in force at outbreak of war to continue for one year.*—All enlistments in the Regular Army, including those in the Regular Army Reserve, which are in force on the date of the outbreak of war shall continue in force for one year, unless sooner terminated by order of the Secretary of war, but nothing herein shall be construed to shorten the time of enlistment prescribed. *Id.*

(See paragraph 1031a as to term of enlistment.)

1031h½. *Period of enlistments in Regular Army and Regular Army Reserve in force on approval of Act.*—All enlistments, including those in the Regular Army Reserve, which are in force on the date of the approval of this Act and which would terminate during the emergency shall continue in force during the emergency unless sooner discharged; but nothing herein contained shall be construed to shorten the period of any existing enlistment.[2] *Sec. 7, Act of May 18, 1917 (40 Stat. 81).*

(For the preceding provision of this section see paragraph 1661, post, and for ensuing provision see paragraph 1662, post.)

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[1] *Held*, that the law contemplates that the President may cause reservists to be organized at all times in the manner indicated and that, in the discretion of the President, they may be attached as such to organizations of the Regular Army that are at maximum strength, but when so attached they are not constituent parts of such organizations and form no part of the numbers authorized by law for such organizations. (War Dept. Bull. 34, Sept. 12, 1916.)

Held, that when so assigned, reservists are eligible for promotion as other members of the organizations who are serving in the active period of their enlistment. (War Dept. Bull. 39, Oct. 6, 1916.)

Held as follows:

(*a*) Under the statute a reservist is entitled to active-duty pay and allowances from the time he reports in person in response to a mobilization order until the time he is actually excused.

(*b*) As to whether clothing is an allowance to which a reservist is entitled under the circumstances stated, depends upon whether he actually avails himself of such allowance. Clothing is essentially an allowance in kind, furnished for use of enlisted men when they are accepted for actual service, and is commuted to a money value merely for convenience. Therefore, until a reservist is examined and found physically fit for service, and accepted for service, he is not entitled to any clothing allowance. After he is accepted for service he is entitled to draw clothing against his clothing allowance, but if he is excused before drawing clothing against his allowance he should not be credited with any such allowance.

(*c*) A reservist who, in obedience to a summons, reports at the designated place and is found physically qualified complies with the statute and his right to mobilization pay becomes vested and the same should be paid. (War Dept. Bull. 47, Nov. 16, 1916.)

Upon the discharge of an enlisted man of the Regular Army Reserve, recalled to active service, he is entitled to travel allowance from the place of his discharge to his home; that is, to the place from which he was furnished transportation when called to active duty. (Comp. Treas., Nov. 16, 1917; War Dept. Bull. 72, Dec. 24, 1917.)

[2] Upon questions (*a*) whether soldiers could legally be discharged by reason of expiration of term of enlistment subsequent to the passage of the act of May

1031h½. *Discharge of enlisted men of Regular Army and National Guard on termination of emergency.*—All persons who have enlisted since April first, nineteen hundred and seventeen, either in the Regular Army or in the National Guard, and all persons who have enlisted in the National Guard since June third, nineteen hundred and sixteen, upon their application, shall be discharged upon the termination of the existing emergency. *Id.*

(For the preceding provision of this section see paragraph 1662, post, and for the ensuing provision see paragraph 1044b, post.)

1031i. *Annual rate of pay for members of.*—Subject to such regulations as the President may prescribe for their proper identification, and location, and physical condition, the members of the Regular Army Reserve shall be paid semiannually at the rate of $24 a year while in the reserve. *Sec. 31, Act of June 3, 1916 (39 Stat. 188).*

1031j. *Same—Active service pay.*—When mobilized by order of the President, the members of the Regular Army Reserve shall, so long as they may remain in active service, receive the pay and allowances of enlisted men of the Regular Army of like grades. *Sec. 32, id. 188.*

1031k. *Same—Continuous service pay during active service.*—Any enlisted man who shall have reenlisted in the Regular Army Reserve shall receive during such active service the additional pay now provided by law for enlisted men in his arm of the service in the second enlistment period. *Id.*

(See par. 708, ante, for rates of continuous-service pay to enlisted men of Regular Army.)

1031l. *Bounty of reservists upon reporting for active duty if physically qualified.*—Upon reporting for duty, and being found physically fit for service, members of the Regular Army Reserve shall receive a sum equal to $3 per month for each month during which they shall have belonged to the reserve, as well as the actual necessary cost of transportation and subsistence from their homes to the

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18, 1917, and (*b*) whether that act was effective to continue in force enlistments in the National Guard,

Held, that question (*a*) must be answered in the negative since the provision contained in section 7 of the act of May 18, 1917, is an inhibition against discharges unless ordered by the Secretary of War under his general power to grant discharges in the interest of the Government, and since the soldier's enlistment is prolonged for the period of the emergency by the provision quoted, a discharge for the purpose of immediate enlistment would involve administrative labor and a multiplication of records without any resultant benefit to the Government.

Held further as to question (*b*), that since the provision quoted is applicable to "all enlistments," it is applicable to enlistments in the National Guard, they being enlistments in the National Guard of the United States as well as in the National Guard of a State; and the question is answered in the affirmative. (War Dept. Bull. 49, Aug. 22, 1917.)

places at which they may be ordered to report for duty under such summons.[1] *Id.*

1031m. *Service in, confers no right to retirement or retired pay; pensionable status.*—Service in the Regular Army Reserve shall confer no right to retirement or retired pay, and members of the Regular Army Reserve shall become entitled to pension only through disability incurred while on active duty in the service of the United States. *Id.*

1031n. *Use of other Government departments for paying, mobilizing, etc., reserve organizations.*—The President may, subject to such rules and regulations as in his judgment may be necessary, utilize the services of members and employees of all departments of the Government of the United States, without expense to the individual reservist, for keeping in touch with, paying, and mobilizing the Regular Army Reserve, the Enlisted Reserve Corps, and other reserve organizations. *Sec. 33, id. 188.*

1031o. *Bounty for reenlistment in time of war of certain honorably discharged men as an auxiliary to.*—For the purpose of utilizing as an auxiliary to the Regular Army Reserves the services of men who have had experience and training in the Regular Army, or in the United States Volunteers, outside of the continental limits of the United States, in time of actual or threatened hostilities, and after the President shall, by proclamation, have called upon honorably discharged soldiers of the Regular Army to present themselves for reenlistment therein within a specified period, subject to such conditions as may be prescribed, any person who shall have been dis-

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[1] In the case of an enlisted man of the Regular Army Reserve called to the colors for active service who was convicted by general court-martial and sentenced to be dishonorably discharged "and to forfeit all pay and allowances now due and to become due while under confinement under this sentence,"

Held, that the sentence operated to forfeit not only the unpaid pay for active service which became due and payable monthly and the balance, if any, due the soldier on account of clothing and other allowances, but included as well the amounts which had become due the soldier upon his reporting for active duty in response to the President's summons, known as mobilization and reservist's pay, which had not been paid him at the time of his conviction and sentence, this view being in consonance with the decision of the Supreme Court in the *Landers case* (92 U. S., 80), in which it was held—

"The bounty which the petitioner claimed was included in the allowances forfeited. Under the term 'allowances' everything was embraced which could be recovered from the Government by the soldier in consideration of his enlistment and services, except the stipulated monthly compensation designated as pay."

In the instant case the soldier became entitled under section 31 of the act of June 3 1916, upon reporting for duty and being found physically fit for service, to the sum of $3.07 as reservist's pay, being $2 per month for period from June 3, 1916, to July 18, 1916, and, under the provisions of section 32 of the same act he became entitled to $15.30 as mobilization pay, being $3 per month for the entire period of his furlough from February 16, 1916, to July 18, 1916, inclusive.

Held, that so much of paragraph 86 of the Regulations for the Regular Army Reserve, published August 15, 1916, as specifies $5 per month as the rate of mobilization pay up to June 2, 1916, is invalid. (Comp. Treas., Apr. 20, 1917; War Dept. Bull. 26, May 7, 1917.)

charged honorably from said Army, with character reported as at least good, and who, having been found physically qualified for the duties of a soldier, if not over fifty years of age, shall reenlist in the line of said Army, or in the Signal, Quartermaster, or Medical Department thereof, within the period that shall be specified in said proclamation, shall receive on so reenlisting a bounty which shall be computed at the rate of $8 for each month for the first year of the period that shall have elapsed since his last discharge from the Regular Army and the date of his reenlistment therein under the terms of said proclamation; at the rate of $6 per month for the second year of such period; at the rate of $4 per month for the third year of such period; and at the rate of $2 per month for any subsequent year of such period; but no bounty in excess of $300 shall be paid to any person under the terms of this section. *Sec. 34, id.*

1032a. *Premium for recruits may be paid to third and fourth class postmasters for securing.*—The President is authorized in his discretion to utilize the services of postmasters of the second, third, and fourth classes in procuring the enlistment of recruits for the Army, and for each recruit accepted for enlistment in the Army the postmaster procuring his enlistment shall receive the sum of $5. *Sec. 27, id. 186.*

(For the provision of this section immediately preceding this paragraph see paragraph 1028a, and for the ensuing provisions see paragraphs 1293a and 1293b.)

1032b. *Repeal of premium for recruits.*—Section eleven hundred and twenty of the Revised Statutes of the United States be, and the same is hereby, repealed. *Sec 1120, R. S., repealed by Act of May 12, 1917 (40 Stat. 53).*

1034a. *Reenlistment of noncommissioned officer within twenty days with rank of discharge.*—Any noncommissioned officer discharged with an excellent character shall be permitted, at the expiration of three years in the active service, to reenlist in the organization from which discharged with the rank and grade held by him at the time of his discharge if he reenlists within twenty days after the date of such discharge. *Sec. 27, Act of June 3, 1916 (39 Stat. 186).*

(For the provision of this section immediately preceding this paragraph see paragraph 1031d, and for the ensuing provision see paragraph 1028a.)

1043a. *Discharge by purchase may be final or by furlough to Regular Army Reserve.*—When an enlisted man is discharged by purchase while in active service he shall be furloughed to the Regular Army Reserve, unless, in the discretion of the Secretary of War, he is given a final discharge from the Army. *Sec. 29, Id. 187.*

(For the provision of this section immediately preceding this paragraph see paragraph 1044a.)

1043b. *Reenlistment of men discharged from Army to accept commissions in National Guard, etc.*—The enlisted men who were dis-

charged from the Army to accept a commission in the National Guard, or in any volunteer force that may be authorized in the future, at the call of the President, June eighteenth, nineteen hundred and sixteen, be restored to their original status upon reenlisting in the Regular Army.[1] *Act of May 12, 1917 (40 Stat. 74).*

1043c. *Same—Computation of continuous service pay.*—That they reenlist within three months from date of muster out of the United States service, and that in computing service for retirement and continuous service pay, service as an officer in the National Guard, or in any volunteer force that may be authorized in the future, while in the service of the United States, be counted. *Id.*

1043d. *Computation of continuous service pay of discharged enlisted men serving as officers of National Guard, in Officers' Reserve Corps, etc.*—Hereafter any enlisted man of the Army who shall be discharged to enable him to accept a commission in the Officers' Reserve Corps, or in any National Guard or militia organization, or in any volunteer force that may be authorized in the future, and who shall enlist in the Army within three months after the termination of his connection as an officer with that corps, or with any organization of the National Guard or militia, or a volunteer force, or during the continuation of his connection therewith, as an officer, shall, in computing continuous service pay now authorized by law, be entitled to credit for the period of time actually served by him prior to said discharge, and in computing service for retirement and continuous service pay, service as an officer of the National Guard, while in the service of the United States, service in any volunteer force, and service in the Officers' Reserve Corps in active service shall be counted.[1] *Id.*

1044a. *Discharge or furlough to Regular Army Reserve on account of dependency of member of family.*—When by reason of death or disability of a member of the family of an enlisted man occurring

[1] The Army appropriation act of May 12, 1917, provides for the restoration of status in the Regular Army of an enlisted man who shall be discharged to accept a commission in the Officers' Reserve Corps, in the National Guard, or militia organization, or in any volunteer force, and who shall enlist within three months after the termination of his connection as an officer with that corps, etc. *Held*, that an enlisted man who is discharged from the Regular Army to accept a temporary commission in the Regular Army would not be entitled upon reenlistment to occupy his previous status in the Regular Army. (War Dept. Bull. 72, Dec. 24, 1917.)

after his enlistment members of his family become dependent upon him for support, he may, in the discretion of the Secretary of War, be discharged from the service of the United States or be furloughed to the Regular Army Reserve, upon due proof being made of such condition.[1] *Sec. 29, Act of June 3, 1916 (39 Stat. 187).*

(For the preceding provision of this section see paragraph 1031e, and for the ensuing provision see paragraph 1043a.)

1044b. *Discharge of enlisted men on account of dependents, active duty of retired enlisted men, grades and pay.*—The President may provide for the discharge of any or all enlisted men whose status with respect to dependents[2] renders such discharge advisable; and he may also authorize the employment on any active duty of retired enlisted men of the Regular Army, either with their rank on the retired list or in higher enlisted grades, and such retired enlisted men shall receive the full pay and allowances of the grades in which they are actively employed.[3] *Sec. 7, Act of May 18, 1917 (40 Stat. 81).*

(For the preceding provision of this section seen paragraph 1031h½, ante, and for the ensuing section see paragraphs 1663, 1664, post.)

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[1] *Held*, that this provision is applicable to all discharges by purchase issued on and after the date of the approval of the act, irrespective of the time when the soldier enlisted.

Held, that this provision as a whole is inapplicable to the National Guard, in view of the alternative of furloughing the soldier "to the Regular Army Reserve," and that its terms indicate that it was intended to apply only to the Regular Army. (War Dept. Bull. 18, July 8, 1916.)

Held, that this provision repeals section 30 of the act of February 2, 1901 (31 Stat., 756), which authorized the discharge only upon the death of a dependent parent and after one year's service. (War Dept. Bull. 28, Aug. 18, 1916.)

[2] An enlisted man, who was entitled to an honorable discharge because of dependent relatives, through error was given a discharge without honor reciting that he was discharged on account of fraudulent enlistment. Although the certificate of discharge, having been executed, can not be revoked, it can be corrected by an indorsement thereon so as to show the true facts. The records of the War Department can be similarly corrected. These corrections having been made, the man's right to the usual pay and transportation will accrue as upon an honorable discharge. (Dig. Opin. J. A. G., February, 1918.)

[3] It was directed in War Department orders that certain retired enlisted men named therein, "are assigned to active duty in their grades, to take effect June 20, 1917, and will be sent by the commanding general of the department in which the soldiers reside to the stations indicated for assignment to active duty." The men were not directed by the department commander to report for active duty until some time after June 20, 1917, and the question was presented whether they were entitled to active-duty pay from June 20, the date named in War Department orders as the date of their assignment to active duty. Section 7 of the act of May 18, 1917, provides that the President may "authorize the employment on any active duty of retired enlisted men of the Regular Army, either with their rank on the retired list or in the higher enlisted grades, and such retired enlisted men shall receive the full pay and allowances of the grades in which they are actively employed.

Held, that the statute indicates clearly that the soldiers must be employed on active duty before full pay and allowances can accrue; that the War Department order in such cases is to be regarded only as authority for employment of the men on active duty and does not have the effect of authorizing pay from the date mentioned therein, and that under the statute active-duty pay does not commence until the men start in response to specific orders to report for duty. War Dept. Bull. 54, Sept. 26, 1917.)

1045a. *Travel allowance of enlisted men on discharge.*—On and after July first, nineteen hundred and sixteen, an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive 3½ cents per mile from the place of his discharge to the place of his acceptance for enlistment, enrollment, or original muster into the service, at his option.[1] *Sec. 126, Act of June 3, 1916 (39 Stat. 217).*

(For the ensuing provision of this section see paragraph 1046a.)

[1] *Held*, that the act of August 24, 1912 (37 Stat. 575), providing for transportation and subsistence in kind for enlisted men on their discharge, or, in lieu thereof, 2 cents a mile, at the election of the soldier, was repealed by the act of June 3, 1916, and that on and after July 1, 1916, the payment of travel pay to enlisted men of the Army on discharge will be governed by the acts of June 12, 1906 (34 Stat. 247), and June 3, 1916. The act of June 12, 1906, referred to provides:

"For the purpose of determining allowances for all travel under orders, or for officers and enlisted men on discharge, travel in the Philippine Archipelago, the Hawaiian Archipelago, the home waters of the United States, and between the United States and Alaska shall not be regarded as sea travel and shall be paid for at rates established by law for land travel within the boundaries of the United States."

Question (*a*) accordingly answered in the affirmative.

Held, as to question (*b*) that the language "at his option" in section 126 of the national defense act has operation only with reference to the preceding words "enrollment" or "original muster into the service"; that as these terms are not properly applicable to enlisted men of the Regular Army, such enlisted men on discharge are entitled to travel allowances only to the place of their acceptance for enlistment, i. e., the place of initial acceptance, it being the purpose of the act to return a man to the place from which he was taken by the Government. As to enlisted men of volunteer or militia organizations to which the terms "enrollment" or "muster into the service" may apply, they may exercise an option. If a man enters the military service as a part of a recognized organization which has been enrolled for the purpose of becoming a part of the Army, and such organization is mustered into the service at a different place from that where the members were enrolled, he may, upon discharge or muster out, be allowed travel to the place of his enrollment or to the place of his muster in, as he may elect, or, in the language of the statute, "at his option." Answering question (*b*) specifically, an enlisted man of the Regular Army is entitled to travel pay only to the place of his acceptance for enlistment. (Comp. W. W. Warwick, June 26, 1916; War Dept. Bull. 18, July 8, 1916.)

An enlisted man was arrested and tried by the civil authorities on a charge of burglary. His trial resulted in conviction, but the sentence was suspended and the soldier returned to the military authorities. About a month thereafter he was discharged by order of the department commander because "convicted by a civil court of the crime of burglary." The question was presented whether he was entitled to travel pay upon his discharge. Section 126, national defense act of June 3, 1916, declares that enlisted men when discharged from the service, "except by way of punishment for an offense," shall be entitled to the travel allowances therein provided.

Held, that upon the discharge of a soldier he is entitled to travel pay unless his discharge was (*a*) by way of punishment for an offense, (*b*) by way of favor or for his own convenience, or (*c*) he was withdrawn from the military service by the civil authorities, and that in the instant case the soldier must be regarded as having by his own conduct created the conditions which caused his separation from the military service under (*c*), and that he was therefore not entitled to travel pay upon his discharge. (Comp. Treas., July 23, 1917; War Dept. Bull. 49, Aug. 22, 1917.)

An enlisted man discharged to accept a commission in the Officers' Reserve Corps, and immediately called into active service, is not entitled to a travel allowance under the provisions of paragraphs 1296 and 1378, Army Regulations, and section 126 of the national defense act of June 3, 1916. This decision is

1045b. *Same—Applies to enlisted men of National Guard on discharge from United States.*—Nothing contained in the Act making appropriations for the support of the Army for the fiscal year nineteen hundred and seventeen shall be construed as precluding the payment of travel allowance as provided in section one hundred and twenty-six of the Act approved June third, nineteen hundred and sixteen, to enlisted men of the National Guard on their discharge from the service of the United States, and the appropriation for the transportation of the Army and its supplies for the fiscal year nineteen hundred and seventeen shall be available for this purpose and also for the purpose of paying travel pay to officers of the National Guard on their discharge from the service of the United States, as prescribed in the Act approved March second, nineteen hundred and one. *Act of Sept. 8, 1916 (39 Stat. 810).*

1046a. *Sea travel on discharge.*—For sea travel on discharge transportation and subsistence only shall be furnished to enlisted men. *Sec. 126, Act of June 3, 1916 (39 Stat. 217).*

1064a. *Alien enemies not admitted to citizenship.*—No alien who is a native citizen or subject, or a denizen of any country, state, or sovereignty with which the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States. *Sec. 2171, R. S.*

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based upon a ruling of the Comptroller of the Treasury (24 Comp. Dec. 345) that an enlisted man discharged to enable him to reenlist was not within the meaning of the statute as he was not discharged from the service. Where, however, a soldier so discharged to accept a commission is not at once called to active duty but proceeds to his home and from there is subsequently ordered on active duty, he is entitled to travel pay as a discharged enlisted man from the place of his discharge to the place of his enlistment. (National defense act of June 3, 1916, sec. 126), and to mileage from the place where he received his orders placing him on active duty (A. R. 1296—C. A. R. No. 62, Nov. 5, 1917; Dig. Opin. J. A. G., January, 1918.)

CHAPTER XXVII.

THE TROOPS OF THE LINE.

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CAVALRY.

1071a. *Composition and organization of regiment.*—Each regiment of Cavalry shall consist of one colonel, one lieutenant colonel, three majors, fifteen captains, sixteen first lieutenants, sixteen second lieutenants, one headquarters troop, one machine-gun troop, one supply troop, and twelve troops organized into three squadrons of four troops each. *Sec. 18, Act of June 3, 1916 (39 Stat. 178).*

(See paragraph 9291 for increase of 17 colonels of Cavalry and 4 colonels of Infantry to equalize inequalities in past promotions of officers of the line of the Army. See, also, paragraph 935a, ante, for authorization for transfer and promotion or transfer without promotion from one arm of the service to another, in order to lessen inequalities in promotion due to increase in number of officers of line of the Army.)

1071b. *Provisional organization of Cavalry into Field Artillery or Infantry.*—During the present emergency the President be, and he is hereby, authorized to organize provisionally as Field Artillery or Infantry and to use as Field Artillery or Infantry during the existing emergency such regiments of Cavalry as he may designate.[1] *Act of Oct. 6, 1917 (40 Stat. 398).*

1071c. *Same—Reorganization as cavalry regiments on termination of war.*—Immediately after the termination of the existing emergency such regiments shall be reorganized as Cavalry regiments in accordance with the prescribed organization of such regiments. *Id.*

1074a. *Composition of squadrons and troops.*—Each squadron shall consist of one major, one first lieutenant (squadron adjutant), and four troops. Each troop in squadron shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one mess sergeant, one supply sergeant, one stable sergeant, five sergeants, eight corporals, two cooks, two horseshoers, one saddler, two buglers, ten privates (first class), and thirty-six privates.[2] *Sec. 18, Act of June 3, 1916 (39 Stat. 178).*

(For authorization for 1,000 additional sergeants for detail from the Infantry, Cavalry, Field Artillery, Corps of Engineers, Coast Artillery Corps, Medical Department, and Signal Corps of the Regular Army, with corresponding organizations of the National Guard, to assist in the instruction of its personnel and the care of property; and the similar detail of 100 additional sergeants with the disciplinary organizations at the United States Disciplinary Barracks, see paragraph 1332a.)

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[1] Regiments of Cavalry organized provisionally as Field Artillery under the act of October 6, 1917, cease for the time being to be Cavalry regiments. An officer of such a reorganized regiment should wear the insignia and sign his rank as of the regiments of Field Artillery in which he is serving. (War Dept. Bull. 75, Dec. 31, 1917.)

Under the third paragraph of section 1 of the selective-draft act, the President has authority to provide that Cavalry regiments organized provisionally as Field Artillery may retain their existing noncommissioned personnel until absorbed, but no special authority can be given to a single organization to do so. (Id.)

[2] *Held*, that the national-defense act by not including farriers in the composition prescribed for Cavalry units abolished that grade with the result that enlisted men holding the grade of farrier reverted to the grade of private and will continue to serve as such unless they are appointed to some grade authorized by the national-defense act. (War. Dept. Bull. 34, Sept. 12, 1916.)

1074b. *Composition of headquarters troops.*—Each headquarters troops shall consist of one captain (regimental adjutant), one regimental sergeant major, three squadron sergeants major, one first sergeant (drum major), two color sergeants, one mess sergeant, one supply sergeant, one stable sergeant, one sergeant, two cooks, one horseshoer, one saddler, two privates (first class), and nine privates, one band leader, one assistant band leader, one sergeant bugler, two band sergeants, four band corporals, two musicians (first class), four musicians (second class), and thirteen musicians (third class).[1] *Id.*

1074c. *Composition of machine-gun troops.*—Each machine-gun troop shall consist of one captain, one first lieutenant, two second lieutenants, one first sergeant, one mess sergeant, one supply sergeant, one stable sergeant, two horseshoers, five sergeants, six corporals, two cooks, one mechanic, one saddler, two buglers, twelve privates (first class), and thirty-five privates. *Id.*

1074d. *Composition of supply troops.*—Each supply troop shall consist of one captain (regimental supply officer), two second lieutenants, three regimental supply sergeants, one first sergeant, one mess sergeant, one stable sergeant, one corporal, one cook, one horseshoer, one saddler, and one wagoner[2] for each authorized wagon of the field and combat train. *Id. 179.*

(For the next ensuing provision of this section see paragraph 1075a.)

1074e. *Commissioned officers for troop organizations to be assigned from officers authorized.*—The commissioned officers required for the Cavalry headquarters, supply, and machine-gun troops, and for the troops organized into squadrons, shall be assigned from those hereinbefore authorized. *Id.*

(For the provision of this section immediately preceding this paragraph see 1075a.)

1075a. *Increase of noncommissioned officers and privates.*—The President may, in his discretion, increase each troop of Cavalry by ten privates (first class) and twenty-five privates; the headquarters

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[1] *Held*, that service of a commissioned officer in command of such a headquarters company or troop constitutes service "with a troop, battery, or company," within the purview of the detached-service act of 1912. (War Dept. Bull. 39, Oct. 6, 1916.)

[2] An enlisted man who was furloughed to the Regular Army Reserve in the grade of wagoner of Cavalry was, upon being recalled to the colors for active duty by the President's summons of July 18, 1916, taken up and carried on the rolls as private, under the view that the grade of wagoner of Cavalry was abolished by the national-defense act of June 3, 1916.

Held, that the grade of wagoner of Cavalry was not abolished by the national-defense act, but was preserved in the supply company created for each regiment of Cavalry as provided by section 18 of that act, and that therefore the soldier under consideration was entitled to be carried on the rolls in the grade of wagoner of Cavalry and paid as such, in accordance with paragraph 86 of the Regulations for the Regular Army Reserve, 1916. (War Dept. Bull. 26, May 7, 1917.)

troop by two sergeants, five corporals, one horseshoer, five privates (first class), and eighteen privates; each machine-gun troop by three sergeants, two corporals, one mechanic, one private (first class), and fourteen privates; each supply troop by one corporal, one cook, one saddler, and one horseshoer. *Id.*

(For the provision of this section immediately preceding this paragraph see paragraph 1074d, and for the ensuing provision see paragraph 1074e.)

1083a. *Subscriptions for newspapers and periodicals under Chief of Coast Artillery.*—Section thirty-six hundred and forty-eight, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation. *Act of Mar. 4, 1915 (38 Stat. 1063).*

1084a. *Officers retired before separation of Field and Coast Artillery to be regarded as having belonged to Field Artillery.*—In determining the rights of officers in the last proviso of section twenty-four[1] of said national-defense Act, officers retired before the separation of the Field Artillery from the Coast Artillery shall be regarded as having belonged to the Field Artillery. *Act of Aug. 29, 1916 (39 Stat. 623).*

(For provisions of this chapter relating to the Field Artillery see paragraph 1090a–1091f.)

COAST ARTILLERY CORPS.

1086a. *Composition of.*—The Coast Artillery Corps shall consist of one Chief of Coast Artillery, with the rank of brigadier general;[2] twenty-four colonels; twenty-four lieutenant colonels; seventy-two majors; three hundred and sixty captains; three hundred and sixty first lieutenants; three hundred and sixty second lieutenants; thirty-one sergeants majors, senior grade; sixty-four sergeants major, junior grade; forty-one master electricans; seventy-two engineers; ninety-nine electrician sergeants, first class; two hundred and seventy-five assistant engineers; ninety-nine electrician sergeants, second class; one hundred and six firemen; ninety-three radio sergeants; sixty-two master gunners; two hundred and sixty-three first sergeants; two hundred and sixty-three supply sergeants; two hundred and sixty-three mess sergeants; two thousand one hundred and four sergeants; three thousand one hundred and fifty-six corporals; five hundred and twenty-six cooks; five hundred and twenty-six mechanics; five hundred and twenty-six buglers; five thousand two hundred and twenty-five privates, first class; fifteen thousand six hundred and seventy-five privates; and eighteen bands,

[1] See paragraph 958f for the provision referred to.

[2] For provision in section 3, Act of October 6, 1917, giving the Chief of Coast Artillery the rank, pay, and allowances of major general, see paragraph 373, ante.

[3] For composition of the Engineer band see paragraph 792, ante.

organized as hereinbefore provided for the Engineer Band.[8] *Sec. 20, Act of June 3, 1916 (39 Stat. 180).*

(For authorization for 1,000 additional sergeants for detail from the Infantry, Cavalry, Field Artillery, Corps of Engineers, Coast Artillery Corps, Medical Department, and Signal Corps of the Regular Army, with corresponding organizations of the National Guard, to assist in the instruction of its personnel and the care of property; and the similar detail of 100 additional sergeants with the disciplinary organizations at the United States Disciplinary Barracks, see paragraph 1332a.)

Held, that the effect of the provision quoted from section 28 is only to prevent the reduction in the pay of grades and has no application where a grade is abolished and a new grade created in lieu thereof, as in the present case, and that, therefore, the band corporal who was reduced from a principal musician, could not, while he held the position of band corporal, receive more as base pay than that prescribed by the statute for that grade. (War Dept. Bull. 39, Oct. 6, 1916.)

The plan of organization of the Engineer units is provided for in section 11 of the same act. The grade of mess sergeant is included in each company, but not specified for the band organization.

Held, that the organization of each of the 18 bands of the Coast Artillery Corps being legally the same as that of the Engineer band, the grade of sergeant is not included, since this grade is not included in the Engineer Corps as prescribed by statute. It is the intention of that law that the 263 mess sergeants authorized in section 20 of the act of June 3, 1916, shall suffice for all organizations of the Coast Artillery Corps, and band sergeants of said corps may not be detailed as mess sergeants. (Comp. Treas., Apr. 10, 1917; War Dept. Bull. 26, May 7, 1917.)

1086b. *Same—Composition and number of rated men; pay of coxswains.*—The rated men of the Coast Artillery Corps shall consist of casemate electricians; observers, first class; plotters; chief planters; coxswains; chief loaders; observers, second class; gun commanders and gun pointers. The total number of rated men shall not exceed one thousand seven hundred and eighty-four. Coxswains shall receive $9 per month in addition to the pay of their grade. *Id.*

1086c. *Chief of Coast Artillery to have rank of major general.*—Hereafter the Chief of Coast Artillery shall have the rank, pay, and allowances of a major general. *Act of July 6, 1916 (39 Stat. 349).*

FIELD ARTILLERY.[1]

1090a. *Composition and organization of.*—The Field Artillery, including mountain artillery, light artillery, horse artillery, heavy artillery (field and siege types), shall consist of one hundred and twenty-six gun or howitzer batteries organized into twenty-one regiments. *Sec. 19, Act of June 3, 1916 (39 Stat. 179).*

(For provision that certain officers retired before the separation of the Field Artillery from the Coast Artillery shall be regarded as having belonged to the Field Artillery in determining their rights, see paragraph 1084a, ante.)

1090b. *Organization of ammunition and depot batteries and battalions and artillery parks in time of actual or threatened hostilities.*—In time of actual or threatened hostilities the President is authorized to organize such number of ammunition batteries and

[1] For authorization for the provisional organization of cavalry into Field Artillery or Infantry during the present emergency, see paragraphs 1071b and 1071c, ante.

battalions, depot batteries and battalions, and such artillery parks, with such number and grades of personnel and such organizations as he may deem necessary. The officers necessary for such organization shall be supplied from the Officers' Reserve Corps provided by this Act and by temporary appointment, as authorized by section eight of the Act of Congress approved April twenty-fifth, nineteen hundred and fourteen.[1] The enlisted men necessary for such organizations shall be supplied from the Regular Army Reserve provided by this Act or from the Regular Army. *Id.*

1090c. *Composition of regiment.*—Each regiment of Field Artillery shall consist of one colonel, one lieutenant colonel, one captain, one headquarters company, one supply company, and such number of gun and howitzer battalions as the President may direct. Nothing shall prevent the assembling, in the same regiment, of gun and howitzer battalions of different calibers and classes. *Id.*

1091a. *Composition of gun or howitzer battery.*—Each gun or howitzer battery shall consist of one captain, two first lieutenants, two second lieutenants, one first sergeant, one supply sergeant, one stable sergeant, one mess sergeant, six sergeants, thirteen corporals, one chief mechanic, one saddler, two horseshoers, one mechanic, two buglers, three cooks, twenty-two privates (first class), and seventy-one privates. *Id.*

(For authorization of 1,000 additional sergeants for detail from the Infantry, Cavalry, Field Artillery, Corps of Engineers, Coast Artillery Corps, Medical Department, and Signal Corps of the Regular Army, with corresponding organizations of the National Guard, to assist in the instruction of its personnel and the care of property; and the similar detail of 100 additional sergeants with the disciplinary organizations at the United States Disciplinary Barracks, see paragraph 1332a.)

1091b. *Same—Packmaster, assistant, and cargador for mountain battery in absence of enlisted men of Quartermaster Corps for such positions.*—When no enlisted men of the Quartermaster Corps are attached for such positions there shall be added to each battery of mountain artillery one packmaster (sergeant, first class), one assistant packmaster (sergeant), and one cargador (corporal).[2] *Id.*

1091c. *Composition of headquarters company in regiment of two battalions.*—Each headquarters company of a regiment of two battalions shall consist of one captain, one first lieutenant, one regimental sergeant major, two battalion sergeants major, one first sergeant, two color sergeants, one mess sergeant, one supply sergeant, one stable sergeant, two sergeants, nine corporals, one horseshoer, one

[1] See chapter entitled "Volunteers," paragraph 1389, or 38 Stat. 349.

[2] *Held*, that it is clearly the intent of the statute that said rates in the Quartermaster Corps shall apply to enlisted men occupying the positions of packmaster, assistant packmaster, and cargador, respectively, whether the men are assigned from the Quartermaster Corps or are "added" as provided by the act. (War Dept. Bull. 28, Aug. 18, 1916.)

saddler, one mechanic, three buglers, two cooks, five privates (first class), fifteen privates, one band leader, one assistant band leader, one sergeant bugler, two band sergeants, four band corporals, two musicians (first class), four musicians (second class), and thirteen musicians (third class).[1] *Id.*

1091d. *Same—Regiment of three battalions.*—When a regiment consists of three battalions there shall be added to the headquarters company one battalion sergeant major, one sergeant, three corporals, one bugler, one private (first class), and five privates. When no enlisted men of the Quartermaster Corps are attached for such positions, there shall be added to each mountain artillery headquarters company one packmaster (sergeant, first class), one assistant packmaster (sergeant), and one cargador (corporal).[2] *Id.*

1091e. *Composition of supply company in regiment of two battalions.*—Each supply company of a regiment of two battalions shall consist of one captain, one first lieutenant, two regimental supply sergeants, one first sergeant, one mess sergeant, one corporal, one cook, one horseshoer, one saddler, two privates, and one wagoner for each authorized wagon of the field train. *Id. 180.*

1091f. *Same—Regiment of three battalions.*—When a regiment consists of three battalions there shall be added to the supply company one second lieutenant, one regimental supply sergeant, one private, and one wagoner for each additional authorized wagon of the field train. *Id.*

1091g. *Composition of gun or howitzer battalions.*—Each gun or howizer battalion shall consist of one major, one captain, and batteries as follows: Mountain artillery battalions and light artillery gun or howitzer battalions serving with the field artillery of Infantry divisions shall contain three batteries; horse artillery battalions and heavy field artillery gun or howitzer battalions shall contain two batteries. *Id.*

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[1] *Held*, that service of a commissioned officer in command of such a headquarters company or troop constitutes service "with a troop, battery, or company," within the purview of the detached-service act of 1912. (War Dept. Bull. 39, Oct. 6, 1916.)

The question was presented whether a regimental adjutant of Field Artillery is to be deemed present for duty with a troop, battery, or company, within the meaning of the detached-service act of August 24, 1912.

Held, as follows: As to a regiment of infantry, it has been held that the adjutant thereof is on duty "with a troop, battery, or company" within the purview of the detached-service law, because he is in command of the headquarters company. (Bull. 39, W. D., 1916, p. 12.) While the national-defense act provides that a regimental adjutant of Infantry or Cavalry shall command the headquarters company or headquarters troop, as the case may be, this is not so as to the adjutant of a Field Artillery regiment. He does not command the headquarters company, the supply company, nor any battery in the regiment, other captains having been provided as component parts of those organizations for that purpose. (Sec. 19, national-defense act.) A regimental adjutant of Field Artillery is, therefore, an additional officer, and he is not, so long as he occupies his normal status as adjutant, on duty with a troop, battery, or company, within the meaning of the detached-service act of 1912. (War Dept. Bull. 8, Jan. 19, 1917.)

[2] Footnote to preceding paragraph also applies to this.

1091h. *Increase of noncommissioned officers and privates for headquarters and supply companies of regiments of two and three battalions.*—The President may, in his discretion, increase the headquarters company of a regiment of two battalions by two sergeants, five corporals, one horseshoer, one mechanic, one private (first class), and six privates; the headquarters company of a regiment of three battalions by one sergeant, seven corporals, one horseshoer, one mechanic, two cooks, two privates (first class), and seven privates; the supply company of a regiment of two battalions by one corporal, one cook, one horseshoer, and one saddler; the supply company for a regiment of three battalions by one corporal, one cook, one horseshoer, and one saddler; a gun or howitzer battery by three sergeants, seven corporals, one horseshoer, two mechanics, one bugler, thirteen privates (first class), and thirty-seven privates. *Id.*

INFANTRY.[1]

1095a. *Composition and organization of regiment.*—Each regiment of Infantry shall consist of one colonel, one lieutenant colonel, three majors, fifteen captains, sixteen first lieutenants, fifteen second lieutenants, one headquarters company, one machine-gun company, one supply company, and twelve Infantry companies organized into three battalions of four companies each. *Sec. 17, act of June 3, 1916 (39 Stat. 177).*

(See paragraph 929i, ante, for increase of 17 colonels of Cavalry and 4 colonels of Infantry to equalize inequalities in past promotions of officers of the line of the Army. See also paragraph 935a, ante, for authorization for transfer and promotion or transfer without promotion from one arm of the service to another, in order to lessen inequalities in promotion due to increase in number of officers of line of the Army.)

1095b. *Composition of battalion and company.*—Each battalion shall consist of one major, one first lieutenant, mounted (battalion adjutant), and four companies. Each Infantry company in battalion shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one mess sergeant, one supply sergeant, six sergeants, eleven corporals, two cooks, two buglers, one mechanic, nineteen privates (first class), and fifty-six privates. *Id. 178.*

(For authorization for 1,000 additional sergeants for detail from the Infantry, Cavalry, Field Artillery, Corps of Engineers, Coast Artillery Corps, Medical Department, and Signal Corps of the Regular Army, with corresponding organizations of the National Guard, to assist in the instruction of its personnel and the care of property; and the similar detail of 100 additional sergeants with the disciplinary organizations at the United States Disciplinary Barracks, see paragraph 1332a.)

1097a. *Composition of headquarters company.*—Each Infantry headquarters company shall consist of one captain, mounted (regimental adjutant); one regimental sergeant major, mounted; three battalion sergeants major, mounted; one first sergeant (drum ma-

[1] For authorization for the provisional organization of cavalry into field artillery or infantry during the present emergency, see paragraphs 1071b and 1071c, ante.

jor); two color sergeants; one mess sergeant; one supply sergeant; one stable sergeant; one sergeant; two cooks; one horseshoer; one band leader; one assistant band leader; one sergeant bugler; two band sergeants; four band corporals; two musicians, first class; four musicians, second class; thirteen musicians, third class; four privates, first class, mounted; and twelve privates, mounted.[1] Id.

1097b. *Composition of machine-gun company.*—Each Infantry machine-gun company shall consist of one captain, mounted; one first lieutenant, mounted; two second lieutenants, mounted; one first sergeant, mounted; one mess sergeant; one supply sergeant, mounted; one stable sergeant, mounted; one horseshoer; five sergeants; six corporals; two cooks; two buglers; one mechanic; eight privates, first class; and twenty-four privates. *Id.*

1097c. *Composition of supply company.*—Each Infantry supply company shall consist of one captain, mounted; one second lieutenant, mounted; three regimental supply sergeants, mounted; one first sergeant, mounted; one mess sergeant; one stable sergeant; one corporal, mounted; one cook; one saddler; one horseshoer; and one wagoner for each authorized wagon of the field and combat train. *Id.*

(For the ensuing provision of this section see paragraph 1098a.)

1097d. *Commissioned officers for company organizations to be assigned from officers authorized.*—The commissioned officers required for the Infantry headquarters, supply, and machine-gun companies and for the companies organized into battalions shall be assigned from those hereinbefore authorized. *Id.*

(For the provision of this section immediately preceding this paragraph see paragraph 1098a.)

1098a. *Increase in noncommissioned officers and privates in companies of.*—The President may in his discretion increase a company of Infantry by two sergeants, six corporals, one cook, one mechanic, nine privates (first class), and thirty-one privates; an Infantry machine-gun company by two sergeants, two corporals, one mechanic, four privates (first class), and twelve privates. *Id.*

(For the provision of this section immediately preceding this paragraph see paragraph 1097c, and for ensuing provision see paragraph 1097d.)

1098a. *Infantry band organization at recruiting depots.*—Hereafter one of the companies at each recruiting depot shall have the organization of an Infantry band, to which recruits showing an aptitude for music may be attached for examination and instruction before assignment to organizations in the Army. *Act of Mar. 3, 1919 (35 Stat. 745).*

[1] *Held*, that service of a commissioned officer in command of such a headquarters company or troop constitutes service "with a troop, battery, or company," within the purview of the detached-service act of 1912. (War Dept. Bull. 39, Oct. 6, 1916.)

CHAPTER XXVIII.

THE UNITED STATES MILITARY ACADEMY—THE ARMY WAR COLLEGE—THE SERVICE SCHOOLS.

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THE MILITARY ACADEMY.

1106a. *Existing laws relating to the Military Academy, officers and enlisted men on retired list, detached and additional officers, etc.*—All existing laws pertaining to or affecting the United States Military Academy and civilian or military personnel on duty thereat in any capacity whatever, the officers and enlisted men on the retired list, the detached and additional officers under the Act of Congress approved March third, nineteen hundred and eleven, recruiting parties, recruit depots and unassigned recruits, service school detachments, United States disciplinary barracks guards, disciplinary organizations, the Philippine Scouts, and Indian scouts shall continue and remain in force except as herein specifically provided otherwise. *Sec. 22, Act of June 3, 1916 (39 Stat. 181).*

1108a. *Vacancies, how filled.*—The President of the United States be authorized to fill any vacancies occurring at said academy by reason of death, or other cause, of any person appointed by him. *Act of Mar. 3, 1875 (18 Stat. 467).*

1108b. *Officer of Army holding position of professor, with certain service, to have rank, pay, etc., of colonel.*—Any officer of the United States Army now holding the position of permanent professor at the United States Military Academy who on July first, nineteen hundred and fourteen, should have served not less than thirty-three years in the Army, one-third of which service shall have been as professor and instructor at the Military Academy, shall on that date have the rank, pay, and allowances of a colonel in the Army. *Act of Aug. 9, 1912 (37 Stat. 264).*

1116a. *Assignment of assistant professor to department of law.*—Hereafter there may be assigned to the department of law one assistant professor. *Act of Jan. 16, 1895 (28 Stat. 630).*

1117a. *Pay and allowances of associate professor of mathematics; detail of from officers of Army.*—Hereafter the associate professor of mathematics shall have pay and allowances of a major, and the position shall be filled by the detail of an officer from the Army at large. *Act of Mar. 3, 1905 (33 Stat. 850).*

1125a. *Rank, pay, and allowances of professor who has served not less than thirty-three years in the Army, one-third of which has been at the Military Academy.*—Any officer of the United States Army now holding the position of permanent professor at the United States Military Academy who on July first, nineteen hundred and sixteen, should have served not less than thirty-three years in the Army, one-third of which service shall have been as professor and instructor at the Military Academy, shall on that date have the rank, pay, and allowances of a colonel in the Army. *Act of Aug. 11, 1916 (39 Stat. 493).*

1131a. *Custodian of gymnasium to act as trainer of athletic teams.*—For pay of one custodian of gymnasium, who shall hereafter be selected and appointed by the Superintendent of the Military Academy under Schedule A, classified positions excepted from examination under rule two, clause three, civil-service rules, who shall be qualified to act as trainer for the various cadet athletic teams, one thousand two hundred dollars. *Act of Mar. 3, 1911 (36 Stat., 1019).*

1132a. *Master of the sword, relative rank, pay, and allowances.*—The master of the sword shall have the relative rank and shall be entitled to the pay, allowances, and emoluments of a major during the active service of the present incumbent of that office. *Act of May 29, 1917 (40 Stat. 90).*

1136a. *Detail of commissary sergeant.*—The Secretary of War is hereby authorized to detail a commissary-sergeant to act as assistant to the commissary of cadets. *Act of June 30, 1882 (22 Stat. 123).*

1136b. *Retirement of present manager of cadet store, pay of.*—The present manager of the cadet store shall, on his own application, after forty years' service as clerk, superintendent, and manager of said store, be entitled to be placed on the retired list of the Army with the pay of a retired pay clerk, Quartermaster Corps, of the same period of service. *Act of Aug. 11, 1916 (39 Stat. 493).*

CORPS OF CADETS.

1139a. *Number and appointment, including appointments from honor graduates of colleges.*—The Corps of Cadets at the United States Military Academy shall hereafter consist of two for each congressional district, two from each Territory, four from the District of Columbia, two from natives of Porto Rico, four from each State at large, and eighty from the United States at large, twenty of whom shall be selected from among the honor graduates of educational institutions having officers of the Regular Army detailed as professors of military science and tactics under existing law or any law hereafter enacted for the detail of officers of the Regular Army to such institutions, and which institutions are designated as "honor schools" upon the determination of their relative standing at the last preceding annual inspection regularly made by the War Department. They shall be appointed by the President and shall, with the exception of the eighty appointed from the United States at large, be actual residents of the congressional or Territorial district, or of the District of Columbia, or of the island of Porto Rico, or of the States, respectively, from which they purport to be appointed. *Sec. 1, Act of May 4, 1916 (39 Stat. 62).*

(For the ensuing provision of this section see paragraph 1141b.)

1139b. *Same—Appointment of one hundred and eighty from enlisted of Regular Army and the National Guard.*—The President is hereby authorized to appoint cadets to the United States Military Academy from among enlisted men in number as nearly equal as practicable of the Regular Army and the National Guard between the ages of nineteen and twenty-two years who have served as enlisted men not less than one year, to be selected under such regulations as the President may prescribe: *Provided*, That the total number so selected shall not exceed one hundred and eighty at any one time.[1] *Sec. 2, id.*

1139c. *Same—Appointments authorized to be divided into four annual increments.*—Under such regulations as the President shall prescribe, the increase in the number of cadets provided for by this Act shall be divided into four annual increments, which shall be as nearly equal as practicable and be equitably distributed among the sources from which appointments are authorized. *Sec. 3, id.*

1139d. *Appointment of board of officers to report upon needs as to buildings, to accommodate increased Corps of Cadets.*—The Secretary of War is authorized and directed to appoint three officers of the Army, whose duty it shall be to investigate and to make report to Congress on the first Monday in December, nineteen hundred and sixteen, what is necessary to be done in the way of buildings and other improvements to accommodate and care for the increased Corps of Cadets, as provided by the Act of May fourth, nineteen hundred and sixteen, together with the probable cost thereof. *Act of Aug. 11, 1916 (39 Stat. 503).*

1141a. *Admission of successor after three years' course.*—Until the apportionment under the Fourteenth Census of the United States becomes effective, whenever any cadet shall have finished three years of his course at the academy his successor may be admitted. *Act of Mar. 4, 1915 (38 Stat. 1128).*

1141b. *Same—Repealed, but appointment of each member of present corps validated.*—So much of the Act of Congress approved March fourth, nineteen hundred and fifteen (Thirty-eighth Statutes at Large, page eleven hundred and twenty-eight), as provides for the admission of a successor to any cadet who shall have finished three years of his course at the academy be, and the same is hereby, repealed: *Provided further*, That the appointment of each member of the present Corps of Cadets is validated and confirmed. *Sec. 1, Act of May 4, 1916 (39 Stat. 62).*

(For the preceding provision of this section see par. 1139a.)

[1] *Held*, that the statute contemplates a year's service in one or the other of the forces named, and that service as an enlisted man in the Navy could not be counted for the purposes of the act.

Held, that to satisfy the requirements of the statute the prior service must have been rendered in that branch from which the application is made. (War Dept. Bull. 9, Feb. 2, 1917.)

1143a. *Appointment from the Philippines.*—The four Filipino cadets authorized by the Act of May twenty-eighth, nineteen hundred and eight,[1] to be designated by the Philippine Commission to receive instructions at the United States Military Academy, shall hereafter be designated by the Governor General of the Philippine Islands. *Act of Aug. 11, 1916 (39 Stat. 493).*

1158a. *Supplies, technical and scientific, for departments of instruction, purchase of, by contract or otherwise, in discretion of Secretary of War.*—All technical and scientific supplies for the departments of instruction of the Military Academy shall be purchased by contract or otherwise, as the Secretary of War may deem best. *Act of Mar. 4, 1915 (38 Stat. 1136).*

DEFICIENT CADETS.

1162a. *Second examination where deficient in one subject.*—Whenever a cadet shall fail to pass any required examination because deficient in any one subject of instruction he shall have the right to apply for a second examination regarding such subject by making written application therefor to the Academic Board within ten days after being officially notified of such failure. The examination demanded shall be held within sixty days from the date of such application, and if the cadet being otherwise qualified shall pass the same by compliance with the requirements existing at the time of the first examination, he shall be readmitted to the academy. *Act of Aug. 11, 1916 (39 Stat. 493).*

1162b. *Same—Applicable to former cadets who failed in not more than two subjects during current year.*—This proviso shall apply to those former cadets who failed in not more than two subjects during the current year, who shall make application for such examination within twenty days after the approval of this Act.—*Id.*

1162c. *Same—Not to be given more than one reexamination.*—Any cadet who fails to pass any required examination shall have no more than one reexamination. *Id.*

1162d. *Honorably discharged eligible for appointment as second lieutenants under national-defense Act.*—Nothing contained in section thirteen hundred and twenty-five of the Revised Statutes shall render ineligible any former cadet honorably discharged from the Military Academy for deficiency in studies, if otherwise qualified, as a civilian candidate for appointment to any vacancy in the grade of second lieutenant under class six[2] of the national-defense Act approved June third, nineteen hundred and sixteen.—*Act of Aug. 11, 1916 (39 Stat. 493), amending sec. 1325, R. S.*

[1] See paragraph 1143, ante, or 35 Stat. 441.

[2] See paragraph 331d, ante, or 39 Stat. 182.

1162e. *Not eligible for appointment in Marine Corps until after graduation of his class.*—No midshipman at the United States Naval Academy or cadet at the United States Military Academy who fails to graduate therefrom shall be eligible for appointment as a commissioned officer in the Marine Corps until after the graduation of the class of which he was a member. *Act of Aug. 29, 1916 (39 Stat. 611).*

1162f. *Appoint as second lieutenant and retire William H. Kehoe, late cadet.*—The President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint William Harold Kehoe, late a cadet at the Military Academy at West Point, to the position of second lieutenant of Infantry of the Army, and to place him upon the retired list with the pay of a retired second lieutenant of Infantry. *Act of May 29, 1917 (40 Stat. 100).*

1162g. *Same—Clyde R. Altman.*—The President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Clyde R. Altman, late a cadet at the Military Academy at West Point, to the position of second lieutenant of Infantry of the Army, and to place him upon the retired list with the pay of a retired second lieutenant of Infantry. *Id., 101.*

1174a. *Board of visitors.*—There shall be appointed every year, in the following manner, a board of visitors, to attend the annual examination of the academy: Seven persons shall be appointed by the President, and two Senators and three Members of the House of Representatives shall be designated as visitors by the Vice President or President pro tempore of the Senate and the Speaker of the House of Representatives, respectively, at the session of Congress next preceding such examination.[1] *Sec. 1327, R. S.*

1174b. *Compensation of visitors.*—No compensation shall be made to the members of said board beyond the payment of their expenses for board and lodging while at the academy and an allowance not exceeding eight cents a mile for traveling by the shortest mail route from their respective homes to the academy and thence to their homes.[2] *Sec. 1329, R. S.*

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[1] The act of August 9, 1912 (37 Stat. 257), paragraph 1174, ante, appears to supersede all of this section except the requirement that "there shall be appointed every year * * * a board of visitors."

[2] The act of August 9, 1912 (37 Stat. 257), paragraph 1174, ante, appears to supersede all of this section except the requirement that "no compensation shall be made to the members of said board beyond the payment of their expenses * * * and an allowance, * * * for traveling by the shortest mail route."

1176a. *Extra pay for overseer of waterworks.*—From the foregoing appropriations for waterworks, or from any appropriation that may hereafter be made for waterworks, a sum not to exceed seventy-five cents per day may be paid as extra-duty pay to the overseer, when such overseer is a soldier detailed for that duty. *Act of Mar. 2, 1901 (31 Stat. 920).*

1176b. *Rank and pay of enlisted man at headquarters, Corps of Cadets.*—The enlisted man in the headquarters, United States Corps of Cadets, performing that duty has the rank, pay, and allowance of that grade (battalion sergeant major, Infantry). *Act of Aug. 11, 1916 (39 Stat. 496).*

(Similar provision in act of May 29, 1917, 40 Stat. 93.)

1178a. *Subscriptions for newspapers and periodicals for.*—Section thirty-six hundred and forty-eight, Revised Statutes, shall not apply to subscriptions for foreign, professional, and other newspapers and periodicals, to be paid for from any of the foregoing appropriations. *Act of Mar. 4, 1915 (38 Stat. 1136).*

1178b. *Wharfage dues to be charged.*—The Secretary of War is authorized to have collected from vessels using the wharf and ferry slip at West Point, New York, such wharfage dues as he may deem just, reasonable, and necessary, the same to be paid at the time of landing to the post quartermaster or his authorized agent. *Act of Mar. 4, 1915 (38 Stat. 1137).*

1179a. *Settlement of accounts between other bureaus of War Department, etc., and the Military Academy.*—Hereafter in settling transactions between appropriations for the support of the United States Military Academy and other bureaus of the War Department, or between the United States Military Academy and any other executive department of the Government, payment therefor shall be made by the disbursing officer of the United States Military Academy or of the office, bureau, or department concerned. *Act of Aug. 11, 1916 (39 Stat. 504).*

1183a. *Translator for the Army service schools.*—Not exceeding $100 per month may be used for the payment of one translator, to be appointed by the commandant of the Army service schools,[1] with the approval of the Secretary of War. *Act of Aug. 29, 1916 (39 Stat. 620).*

(The act of May 12, 1917 (40 Stat. 41), contains a provision identical with above.)

[1] The provisions relative to the United States service schools, which precede the authorization for a translator at the Army service schools, are the same as those contained in paragraph 1183, ante.

1183b. *Assignment of second lieutenants in Field Artillery to batteries at School of Fire for Field Artillery for practical instructions.*—Officers in the grade of second lieutenant in the Field Artillery may be assigned, for the period of one year, to batteries stationed at the School of Fire for Field Artillery at Fort Sill, Oklahoma, for the purpose of pursuing courses of practical instruction in field artillery. *Id. 621.*

(The act of May 12, 1917 (40 Stat. 41), contains a provision identical with above.)

CHAPTER XXIX.

CONTRACTS AND PURCHASES.

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1190a. *Purchase of ordnance and ordnance stores in excess of appropriations and obligations authorized by law, limitation on.*—The Secretary of War is authorized, during the present emergency and in addition to the appropriations and obligations specifically authorized by law, to incur obligations for ordnance and ordnance supplies and materials: *Provided*, That the aggregate amount of such obligations outstanding at any one time shall not exceed the sum of $100,000,000. *Act of Oct. 6, 1917 (40 Stat. 366).*

1196a. *Purchase of supplies and procurement of services outside District of Columbia in open market, limitation.*—Hereafter the purchase of supplies or the procurement of services outside the District of Columbia may be made in open market in the manner common among business men when the aggregate amount of the purchase does not exceed $50.[1] *Act of June 12, 1917 (40 Stat. 144).*

1198a. *Selection of types and purchase of motor ambulances without advertising.*—The Secretary of War may in his discretion select types and makes of motor ambulances for the Army and authorize their purchase without regard to the laws prescribing advertisement for proposals for supplies and material for the Army. *Act of Aug. 29, 1916 (39 Stat. 639).*

(The Army appropriation act of May 12, 1917, and the urgent deficiencies act of October 6, 1917 (40 Stat. 60, 364), contain similar provisions.)

[1] This provision is in connection with appropriation for the United States Geological Survey and probably only applies to that service.

1211a. *Contracts entered into by Quartermaster Corps, certain to be reduced to writing, etc.*—Hereafter whenever contracts which are not to be performed within sixty days are made on behalf of the Government by the Quartermaster General, or by officers of the Quartermaster Corps authorized to make them, and are in excess of $500 in amount, such contracts shall be reduced to writing and signed by the contracting parties. In all other cases contracts shall be entered into under such regulations as may be prescribed by the Quartermaster General. *Act of Mar. 4, 1915 (38 Stat. 1078).*

1211b. *Contracts entered into by Signal Corps, certain to be reduced to writing, etc.*—Hereafter whenever contracts which are not to be performed within sixty days are made on behalf of the Government by the Chief Signal Officer, or by officers of the Signal Corps authorized to make them, and are in excess of $500 in amount, such contracts shall be reduced to writing and signed by the contracting parties. In all other cases contracts shall be entered into under such regulations as may be prescribed by the Chief Signal Officer. *Act of Aug. 29, 1916 (39 Stat. 622).*

1211c. *Contracts entered into by Medical Department, certain to be reduced to writing, etc.*—Hereafter, whenever contracts which are not to be performed within sixty days are made on behalf of the Government by the Surgeon General or by officers of the Medical Department authorized to make them, and are in excess of $500 in amount, such contracts shall be reduced to writing and signed by the contracting parties, but in all other cases contracts shall be prepared under such regulations as may be prescribed by the Surgeon General. *Id. 639.*

1211d. *Contracts, extension of time for filing in the returns office.*—Section thirty-seven hundred and forty-four, Revised Statutes, is hereby amended by adding the following at the end of the last sentence: "*Provided*, That the Secretary of War or the Secretary of the Navy may extend the time for filing such contracts in the returns office of the Department of the Interior to ninety days whenever in their opinion it would be to the interest of the United States to follow such a course." *Act of June 15, 1917 (40 Stat. 198), amending Section 3744, R. S.*

1223a. *Eight-hour law—Suspension of in time of national emergency.*—In case of national emergency the President is authorized to suspend provisions of law prohibiting more than eight hours labor in any one day of persons engaged upon work covered by contracts with the United States. *Act of Mar. 4, 1917 (39 Stat. 1192).*

1223b. *Same—Rate of pay for overtime.*—The wages of persons employed upon such contracts shall be computed on a basic day rate of eight hours' work, with overtime rates to be paid for at not

less than time and one-half for all hours work in excess of eight hours.[1] *Id.*

1234a. *American manufacture, preference to be given to in purchase of material for Ordnance Department.*—All material purchased under the appropriations in this act for the Ordnance Department of the United States Army shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases abroad, which material shall be admitted free of duty. *Act of Oct. 6 1917 (40 Stat. 367).*

1236a. *Contracts for printing.*—No part of the appropriations for the Quartermaster Corps shall be expended on printing unless the same shall be done at the Government Printing Office, or by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition, and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the purchase of material and hire of the necessary labor for the purpose.[2] *Act of Mar 4, 1915 (38 Stat. 1073).*

1236b. *Same.*—No part of the appropriations for the Quartermaster Corps shall be expended on printing unless the same shall be done at the Government Printing Office, or by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition, and in cases where it is impracticable to have the necessary printing done by contract the same may be done with the approval of the Secretary of War, by the purchase of material and hire of the necessary labor for the purpose. *Act. of Aug. 29, 1916 (39 Stat. 631).*

(The acts of May 12 and Oct. 6, 1917 (40 Stat. 51, 359), contain provisions identical with above.)

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[1] The question was presented whether the Government was authorized to pay mechanics employed under lump-sum appropriations extra compensation for overtime work in excess of eight hours a day, such overtime work being authorized in emergencies.

Held, that as there is no law governing the rates of pay of mechanics employed directly by the Government who are paid lump-sum appropriations, but the terms of their employment are fixed by agreement between the parties, it is discretionary with the department to allow, by agreement with such employees, extra pay for overtime work in excess of eight hours; and *recommended*, in view of the prevailing practice in the commercial and industrial world of allowing mechanics and laborers extra pay for overtime in excess of a basic eight-hour day, and of the action of Congress in requiring adherence to this practice as to persons employed on contracts with the United States (act of Mar. 4, 1917, 39 Stat., 1192), that mechanics and laborers employed directly by the Government be placed upon equal terms of employment in this respect. (War Dept. Bull. 67, Nov. 30, 1917.)

Contracts for clothing may not contain a provision permitting more than eight hours' work per day for eight hours' pay, even though the week's work be limited to 48 hours. Under the Executive order of March 24, 1917, more than eight hours' work per day is permitted, provided that full pay be given for eight hours, and pay at the rate of time and one-half for overtime. (*Id.*)

[2] For similar provision see act of April 27, 1914 (38 Stat. 362).

1236e. *Contracts for publication of Official Postal Guide.*—Hereafter contracts let for the publication of the Official Postal Guide shall provide for the supply of such copies as may be required for public use by the several executive departments and other Government establishments at a price not exceeding the cost of such guides to the Post Office Department. *Act of May 10, 1916 (39 Stat. 108).*

1253a. *Accused persons may testify.*—In the trial of all indictments, informations, complaints, and other proceedings against persons charged with the commission of crimes, offenses, and misdemeanors, in the United States courts, Territorial courts, and courts-martial, and courts of inquiry, in any State or Territory, including the District of Columbia, the person so charged shall, at his own request but not otherwise, be a competent witness. And his failure to make such request shall not create any presumption against him. *Act of Mar. 16, 1878 (20 Stat. 30).*

CHAPTER XXX.

PUBLIC PROPERTY.

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1255a. *Sale of airplane war materials to foreign governments, etc., engaged with United States in prosecution of war.*—The President, during the present emergency, is authorized, through the head of any department of the Government, to sell any war materials used in the construction of airplanes which may have been or may hereafter be acquired by the United States for the purpose of the Army or Navy,

or for the prosecution of war, to any person, firm, or corporation, or to any foreign state or government engaged with the United States Government in the prosecution of war against a common enemy or its allies, in such manner and upon such terms, at not less than cost, as he in his discretion may deem best. *Act of Oct. 6, 1917 (40 Stat. 356).*

1255b. *Same—Proceeds to be credited to appropriations for.*—Any moneys received by the United States hereunder shall become available as part of the appropriation by which said property was purchased by the United States. *Id.*

1259a. *Secretary of War to prescribe regulations for accounting for Army supplies or property.*—Hereafter the accounting for Army supplies or property and the fixing of responsibility therefor shall be according to such regulations as may be prescribed by the Secretary of War. *Act of Aug. 29, 1916 (39 Stat. 635).*

1259b. *Loan of tents, restrictions on.*—Hereafter no loan of tents shall be made except to the Grand Army of the Republic and the United Confederate Veterans. *Joint resolution No. 11, Mar. 2, 1913 (37 Stat. 1025).*

1261a. *Exchange of sewing machines, etc., motor trucks, passenger-carrying vehicles, and band instruments on purchase of new.*—Hereafter sewing machines and other labor-saving machinery used in the manufacture of clothing and equipage, motor trucks and passenger-carrying vehicles, and band instruments may be exchanged in part payment for new machines, vehicles, and instruments used for the same purpose as those proposed to be exchanged. *Act of Aug. 29, 1916 (39 Stat. 635).*

1261b. *Exchange of motor-propelled vehicles, aeroplanes, engines, etc., on purchase of new.*—Hereafter motor-propelled vehicles, aeroplanes, engines, and parts thereof may be exchanged in part payment for new equipment of the same or similar character, to be used for the same purpose as those proposed to be exchanged. *Act of May 12, 1917 (40 Stat. 43).*

1261c. *Exchange of motor-propelled vehicles, airplanes and other equipment.*—Subject to the approval of the Secretary of War, motor-propelled vehicles, airplanes, engines, parts thereof, and appurtenances may be exchanged in part payment for new equipment of the same or similar character to be used for the same purpose as those proposed to be exchanged. *Sec. 9, Act of July 24, 1917 (40 Stat. 247).*

(For the provisions of this section immediately preceding and following this paragraph see pars. 889xx and 889yy, ante.)

1272a. *Soldiers' homestead, military service on Mexican border, etc., equivalent to residence.*—The provisions of the Act approved June sixteenth, eighteen hundred and ninety-eight, chapter four hundred and fifty-eight (Thirtieth Statutes at Large, page four hundred and seventy-three), shall be applicable in all cases of military

service rendered in connection with operations in Mexico, or along the borders thereof, or in mobilization camps elsewhere, whether such service be in the military or naval organization of the United States or the National Guard of the several States now or hereafter in the service of the United States. *Joint resolution of Aug. 29, 1916 (39 Stat. 671).*

1272b. *Soldiers' homestead, military or naval service equivalent to residence, etc.; contests on ground of abandonment prohibited.*—Any settler upon the public lands of the United States; or any entryman whose application has been allowed; or any person who has made application for public lands which thereafter may be allowed under the homestead laws, who, after such settlement, entry, or application, enlists or is actually engaged in the military or naval service of the United States as a private soldier, officer, seaman, marine, national guardsman, or member of any other organization for offense or defense authorized by Congress during any war in which the United States may be engaged, shall, in the administration of the homestead laws, have his services therein construed to be equivalent to all intents and purposes to residence and cultivation for the same length of time upon the tract entered or settled upon; and hereafter no contest shall be initiated on the ground of abandonment, nor allegation of abandonment sustained against any such settler, entryman, or person unless it shall be alleged in the preliminary affidavit or affidavits of contest and proved at the hearing in cases hereinafter initiated that the alleged absence from the land was not due to his employment in such military or naval service; that if he shall be discharged on account of wounds received or disability incurred in the line of duty, then the term of his enlistment shall be deducted from the required length of residence, without reference to the time of actual service. *Sec. 1, Act of July 28, 1917 (40 Stat. 248).*

1272c. *Same—One year's residence, etc., required as condition precedent to patent.*—No patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year. *Id.*

1272d. *Same—Widows and minor children of applicants, etc., for homesteads dying in military service, etc.; right to homesteads.*—Any settler upon the public lands of the United States; or any entryman whose application has been allowed; or any person who has made application for public lands which thereafter may be allowed under the homestead laws, who dies while actually engaged in the military or naval service of the United States as a private soldier, officer, seaman, marine, national guardsman, or member of any other organization for offense or defense authorized by Congress during any war in which the United States may be engaged, then his widow, if unmarried, or in case of her death or marriage, his minor orphan children, or his or

their legal representatives, may proceed forthwith to make final proof upon such entry or application thereafter allowed, and shall be entitled to receive Government patent for such land; and that the death of such soldier while so engaged in the service of the United States shall, in the administration of the homestead laws, be construed to be equivalent to a performance of all requirements as to residence and cultivation upon such homestead. *Sec. 2, id.*

DESERT LANDS.

1272e. *Requirements as to expenditures on and cultivation of land suspended as to persons in military service, etc., during war with Germany.*—No desert-land entry made or held under the provisions of the Act of March third, eighteen hundred and seventy-seven, as amended by the Act of March third, eighteen hundred and ninety-one,[1] by an officer or enlisted man in the Army, Navy, Marine Corps, or Organized Militia of the United States shall be subject to contest or cancellation for failure to make or expend the sum of $1 per acre per year in improvements upon such claim, or to effect the reclamation thereof, during the period said entryman or his successor in interest is engaged in the military service of the United States during the present war with Germany, and until six months thereafter, and the time within which such entryman or claimant is required to make such expenditures and effect reclamation of the land shall be, exclusive of the time of his actual service in the Army, Navy, Marine Corps, or Organized Militia of the United States. *Act of Aug. 7, 1917 (40 Stat. 259).*

1272f. *Entry must have been made by claimant prior to his enlistment.*—Said desert-land entry shall have been made by the said officer or enlisted man prior to his enlistment. *Id.*

1272g. *Same—Notice of muster into service to be filed.*—Each such entryman or claimant shall, within six months after the passage of this Act, or within six months after he is mustered into the service, file in the local land office of the district wherein his claim is situate a notice of his muster into the service of the United States and of his desire to hold said desert claim under this Act. *Id.*

1272h. *Same—"Enlisted man" refined for purposes of Act.*—The term "enlisted man," as used in this section shall include any person selected to serve in the military forces of the United States as provided by the Act entitled "An Act authorizing the President to increase temporarily the Military Establishment of the United States," approved May eighteenth, nineteen hundred and seventeen.[2] *Id.*

[1] See 19 Stat. 377, and 26 Stat. 1096.
[2] See paragraphs 1637–1642, post, or 40 Stat. 76–82.

1272i. *Persons in armed forces of United States, before whom affidavits required by law affecting applications, entires, etc., may be made.*—During the continuance of the present war with Germany, and until his discharge from service, any man serving in the armed forces of the United States, who, prior to the beginning of his services was a settler, an applicant, or entryman under the land laws of the United States, or who has, prior to enlistment, filed a contest, with the view of exercising preference right of entry therefor, may make any affidavit required by law or regulation of the department, affecting such application, entry, or contest, or necessary to the making of entry in the case of the successful termination of such contest awarding him preference right of entry, before his commanding officer as provided in section twenty-two hundred and ninety-three of the Revised Statutes of the United States, which affidavits shall be as binding in law and with like penalties as if taken before the Register of the United States Land Office. *Act of Oct. 6, 1917 (40 Stat. 391), amending Sec. 2293, R. S.*

MINING CLAIMS.

1272j. *Provisions of R. S. 2324, as to labor on, not applicable to persons in military service, etc., during war with Germany.*—The provisions of section twenty-three hundred and twenty-four of the Revised Statutes of the United States, which require that on each mining claim located after the tenth day of May, eighteen hundred and seventy-two, and until patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year, shall not apply to claims or parts of claims owned by officers or enlisted men who have been or may, during the present war with Germany, be mustered into the military or naval service of the United States to serve during their enlistment in the war with Germany, so that no mining claim or any part thereof owned by such person which has been regularly located and recorded shall be subject to forfeiture for nonperformance of the annual assessments during the period of his service or until six months after such owner is mustered out of the service or until six months after his death in the service. *Joint Resolution of July 17, 1917 (40 Stat. 243).*

1272l. *Same—Notice of muster into service to be filed.*—The claimant of any mining location, in order to obtain the benefits of this resolution, shall file, or cause to be filed, a notice in the office where the location notice or certificate is recorded, before the expiration of the assessment year during which he is so mustered, giving notice of his muster into the service of the United States and of his desire to hold said mining claim under this resolution. *Id.*

1272m. *Labor on mining claims, suspension of during years 1917 and 1918.*—In order that labor may be most effectively used in raising and producing those things needed in the prosecution of the present war with Germany, that the provision of section twenty-three hundred and twenty-four of the Revised Statutes of the United States which requires on each mining claim located, and until a patent has been issued therefor, not less than $100 worth of labor to be performed or improvements to be made during each year, be, and the same is hereby, suspended during the years nineteen hundred and seventeen and nineteen hundred and eighteen. *Joint resolution of Oct. 5, 1917 (40 Stat. 343).*

1272n. *Same—Claimant to file notice of desire to hold such mining claim.*—Every claimant of any such mining claim in order to obtain the benefits of this resolution shall file or cause to be filed in the office where the location notice or certificate is recorded on or before December thirty-first, of each of the years nineteen hundred and seventeen and nineteen hundred and eighteen, a notice of his desire to hold said mining claim under this resolution: *Provided further*, That this resolution shall not apply to oil placer locations or claims. *Id.*

1272o. *Provisions relative to labor on mining claims of persons in military service, etc., not affected by.*—This resolution shall not be deemed to amend or repeal the public resolution entitled "Joint resolution to relieve the owners of mining claims who have been mustered into the military or naval service of the United States as officers or enlisted men from performing assessment work during the term of such service," approved July seventeenth, nineteen hundred and seventeen.[1] *Id.*

LANDS FOR MILITARY PURPOSES.

1274a. *Donation of lands for aviation field and remount station, acceptance of.*—The Secretary of War is hereby authorized to accept for the United States from any citizen of the United States a donation of a tract or tracts of land suitable and desirable in his judgment for the purposes of an aviation field and remount station, the terms of the donation also to authorize the use of the property donated for any other service of the United States which may hereafter appear desirable. *Act of Aug. 29, 1916 (39 Stat. 622).*

1274b. *Purchase of lands for aviation purposes provided military reservations are not available.*—The Secretary of War is directed to investigate the suitability of the various military reservations for aviation purposes, and should any of the reservations be found not suitable and not available for aviation, he is authorized, in his discretion, to acquire, by purchase, condemnation, or otherwise, for the

[1] See paragraphs 1272i and 1272j, ante.

United States of America, such land as may be necessary for aviation purposes, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $300,000, or so much thereof as may be necessary, for said purpose. *Id.*

1274c. *Donation of lands for mobilization, training, and supply stations, acceptance of; also report as to additional needs for National Guard and Regular Army.*—The Secretary of War is hereby authorized to accept for the United States from any person such tract or tracts of land suitable and desirable in his judgment for permanent mobilization, training, and supply stations; and he is directed to investigate and report to Congress as soon as practicable what additional tracts are necessary for said purposes for use by the National Guard and by the Regular Army and the probable cost of the same. *Id. 623.*

1274d. *Report as to land and buildings required for airships, etc., for seacoast defenses.*—The Secretary of War is directed to submit to Congress on or before January first, nineteen hundred and eighteen, a detailed statement of the land, buildings, and other facilities now available and to be required for the accommodation of airships and other aerial machines to be used in connection with the seacoast defenses of the continental United States, the insular possessions, and the Panama Canal. *Act of Feb. 14, 1917 (39 Stat. 910).*

1274e. *Acquisition of sites for aviation schools, posts and stations.*—The Secretary of War is hereby authorized to acquire, by purchase, donation, or by condemnation, such land sites throughout the United States as are immediately necessary for the permanent establishment of aviation schools, aviation posts, and experimental aviation stations and proving grounds for the United States Army.[1] *Act of May 12, 1917 (40 Stat. 42.)*

1274f. *Land-site funds available for other purposes; leasing of aviation fields.*—The funds thus authorized for use in the purchase of land sites may also be used for the improvement and preparation of land and waters contiguous thereto; for the construction, maintenance, and repair of permanent barracks, quarters, stables, storehouses, magazines, administration buildings, hangars, sheds, shops, garages, and other permanent buildings necessary for the shelter of aviation troops, public animals, stores and equipment, and for administration purposes; for the purchase of all equipment and material necessary for the installation, operation, and repair of all water, sewer, electric-light and electric-power systems; for the construction of roads, walks, and wharves; for the disposal of drainage; for the clearing, grading, rolling, seeding, dredging, and otherwise improving and preparing land and water sites; for rental and lease of

[1] The Act of June 15, 1917, urgent deficiencies act (40 Stat. 187), contains a provision identical with above paragraph.

grounds for aviation fields, camp sites, and other military aviation purposes; for rental and lease of buildings or portions of buildings for occupation by aviation troops, and for use as storehouses, offices, shops, garages, and for other military aviation purposes; for the purchase of office furniture and office equipment; for the purchase and installation of special equipment, supplies, and accessories necessary for the establishment of experimental stations and proving grounds, aviation schools, and aviation posts; for the purchase of such textbooks, books of reference, scientific and professional papers, periodicals and magazines, and the purchase of modern instruments and material for theoretical and practical instruction in all experimental stations and proving grounds and aviation schools and aviation posts: *Provided further*, That the funds thus authorized for these purposes shall be available until expended: *And provided further*, That not more than $600,000 of the foregoing sum shall be used for the purchase of land: *Provided*, That no part of the foregoing appropriation shall be expended for the purchase of aviation fields if it is found practicable to lease suitable sites for such purposes on more favorable terms. *Id.*

1274g. *Site for aviation stations at North Island, San Diego, California, taking possession of.*—The President be, and he is hereby, authorized to cause possession to be taken forthwith, on behalf of the United States, for use for national defense and in connection therewith as sites for permanent aviation stations for the Army and Navy and for aviation school purposes, of the whole of North Island, in the harbor of San Diego, California, and the provisions of section three hundred and fifty-five, Revised Statutes,[1] shall not apply to the expenditure of any appropriations for improvements thereon for aviation purposes. *Act of July 27, 1917 (40 Stat. 247).*

1274h. *Same—Procedure for determination of rights of private parties in.*—The Attorney General or the claimants to the said North Island are authorized to make application for the determination and appraisement of any rights private parties may have in the said island over and beyond any rights thereto in the United States to the District Court of the United States for the Southern District of California; the proceedings to be prosecuted in accordance with the laws of the State of California relating to the condemnation of property for public use. Either party may take an appeal from the judgment of such court direct to the Supreme Court of the United States within ninety days after such judgment is rendered. *Id., 248.*

1274i. *Same—Payment into court of value of such rights.*—Upon the final ascertainment of the value of any right, title, or interest adjudged to be in any private claimants to the said island there shall

[1] See paragraph 258, ante.

be paid into court the value of the same as so determined, together with interest thereon at the rate of six per centum per annum from date possession thereof was taken as herein authorized; and thereupon the United States shall be vested with title to said lands. *Id.*

1274j. *Appropriation for payment of award and distribution by order of court.*—The amount so paid shall be distributed by order of the court to the owner or owners of such right, title, or interest in said island as their respective interests may be determined by the court. The amount necessary to pay the awards in favor of private claimants is hereby appropriated, out of any money in the Treasury not otherwise specifically appropriated, to be disbursed under orders of the Secretary of War. *Id.*

1274k. *Proving ground for testing ordnance material.*—For increasing facilities for the proof and test of ordnance material, including necessary buildings, construction, equipment, land, and damages and losses to persons, firms, and corporations, resulting from the procurement of the land for this purpose, and also the salaries and expenses of any agents appointed to assist in the procurement of said land or damages resulting from its taking, $7,000,000. *Act of Oct. 6, 1917 (40 Stat. 352).*

1274l. *President authorized to take over necessary land, etc., on failure to purchase.*—If the land and appurtenances and improvements attached thereto, as contemplated under the foregoing appropriation, can not be procured by purchase, then the President is hereby authorized and empowered to take over for the United States the immediate possession and title, including all easements, rights of way, riparian and other rights appurtenant thereto, or any land selected by him to be used for the carrying out of the purpose named in the aforesaid appropriation. *Id., 353.*

1274m. *Same—Just compensation for land, etc., taken, method to determine.*—If said land and appurtenances and improvements shall be taken over as aforesaid the United States shall make just compensation therefor, to be determined by the President, and if the amount thereof, so determined by the President, is unsatisfactory to the person entitled to receive the same, such person shall be paid seventy-five per centum of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum, as, added to the said seventy-five per centum, will make up such amount as will be just compensation therefor, in the manner provided for by section twenty-four, paragraph twenty, and section one hundred and forty-five of the Judicial Code.[1] *Id.*

1274n. *Same—Title to immediately vest in United States.*—Upon the taking over of said property by the President as aforesaid the

[1] See paragraphs 278 and 277, ante, or 36 Stat. 1136, 1093.

title to all such property so taken over shall immediately vest in the United States. *Id.*

1274e. *Examination of title by Attorney General not required.*—Section three hundred and fifty-five of the Revised Statutes of the United States shall not apply to the expenditures authorized hereunder. *Id.*

1274p. *Purchase of land, etc., for Ordnance Department exempted from provision of Revised Statutes as to examination of title.*—Section three hundred and fifty-five of the Revised Statutes of the United States shall not apply to the expenditure of appropriations for the Ordnance Department of the Army now available for the purchase of land and for improvements upon such land. *Joint Res. of Oct. 6, 1917 (40 Stat. 427).*

1279a. *Erection of Young Men's Christian Association buildings on military reservations.*—Authority is hereby given to the Secretary of War, in his discretion, to grant permission by revocable license to the International Committee of Young Men's Christian Associations of North America to erect and maintain, on the military reservations within the United States or its island possessions, such buildings as their work for the promotion of the social, physical, intellectual, and moral welfare of the garrisons may require, under such regulations as the Secretary of War may impose.[1] *Act of May 31, 1902 (32 Stat., 282).*

1279b. *Revocable license to American National Red Cross to erect buildings on military reservations for storage of supplies.*—Authority is hereby given to the Secretary of War to grant permission, by revokable license, to the American National Red Cross to erect and maintain on any military reservations within the jurisdiction of the United States buildings suitable for the storage of supplies, or to occupy for that purpose buildings erected by the United States, under such regulations as the Secretary of War may prescribe, such supplies to be available for the aid of the civilian population in case of serious national disaster. *Sec. 10, Act of June 3, 1916 (39 Stat. 173).*

(For the provision of this section immediately preceding this paragraph see paragraph 750c.)

1279b½. *Express authority for buildings, etc., in parks, etc.*—Hereafter there shall not be erected on any reservation, park, or public

[1] The appropriation for furnishing heat and light for buildings erected at private cost under the act of May 31, 1902, is not available for the installation of heating and lighting fixtures in Y. M. C. A. buildings, but only to provide the consumable supplies necessary for heating and lighting same. (War Dept. Bull. 72, Dec. 24, 1917.)

The appropriation for furnishing heat and light for buildings erected at private cost under the act of May 31, 1902, is not available for furnishing heat or light for hostess houses of the Y. W. C. A. (Id.)

grounds, of the United States within the District of Columbia, any building or structure without express authority of Congress. *Act of Aug. 24, 1912 (37 Stat. 444).*

1279c. *Temporary buildings for American Red Cross in District of Columbia.*—Authority be, and is hereby, given to the Commission on Memorial to Women of the Civil War to grant permission, under such conditions and restrictions as it may deem necessary, to the central committee of the American Red Cross to erect upon square numbered one hundred and seventy-two, in the city of Washington, a temporary building or buildings for the use of the American Red Cross in connection with its work in cooperation with the Government of the United States. *Joint Resolution of May 22, 1917 (40 Stat. 90).*

1279d. *Same—Removal within three years.*—Any building or buildings which may be erected under this authority shall be removed and the site or sites thereof placed in good condition within three years from the date of the approval of this resolution, unless otherwise especially provided by Congress: *Provided further*, That the United States shall be put to no expense of any kind by reason of the exercise of the authority hereby conferred. *Id.*

1279e. *Temporary building may be erected by Secretary of War in Smithsonian Grounds, District of Columbia.*—Authority be, and is hereby, given to the Board of Regents of the Smithsonian Institution to grant permission, under such conditions and restrictions as they may deem necessary, to the Secretary of War to erect for the use of the War Department a temporary structure or structures in the Smithsonian Grounds in the city of Washington: *Provided*, That the Secretary of War shall have such building or buildings removed from the said grounds and the site or sites thereof placed in as good condition as at present within three years from the date of the approval of this resolution. *Joint Resolution of June 9, 1917 (40 Stat. 102).*

1281a. *Sale of land purchased for target ranges for National Guard.*—When any land which has been heretofore or may be hereafter acquired by purchase for a target range for the use of the National Guard of any State, Territory, or the District of Columbia, shall have become useless or shall be found to be unavailable for such purpose, the Secretary of War may cause the same to be sold either in whole or in two or more parts as he may deem best for the interests of the United States. *Act of May 12, 1917 (40 Stat. 67).*

1281b. *Same—Appraisal and method of sale.*—In the disposal of such property, the Secretary of War shall cause the same to be appraised either as a whole or in two or more tracts, having due reference to the requirements of any permanent improvements made thereon; and he shall cause the property to be offered at public or private sale at not less than the appraised value. *Id.*

1281c. *Expenses of sale and disposition of proceeds.*—The expenses for advertising, appraisement, survey, and sale shall be paid from the proceeds of the sale; and the net proceeds thereof shall be placed to the credit of the State, Territory, or District of Columbia, as additional to its allotment under section sixty-seven of the Act of June third, nineteen hundred and sixteen. *Id.*

1283a. *Right of way for highways over public lands.*—The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted. *Sec. 2477, R. S.*

1289a. *Report as to permanent military posts with plans and estimates for quartering officers and enlisted men.*—The Secretary of War is authorized and directed to report to Congress on or before January first, nineteen hundred and eighteen, as to the most desirable method for quartering officers and enlisted men of the Army, and to submit detailed plans and estimates of cost for the carrying out of any proposed scheme or schemes, together with locations desired and in particular what existing posts shall be retained, enlarged, or discontinued. *Act of June 12, 1917 (40 Stat. 129).*

VOCATIONAL TRAINING.

1293a. *Educational instructions, vocational education, employment of civilian teachers, etc., for enlisted men.*—In addition to military training, soldiers while in the active service shall hereafter be given the opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations. Civilian teachers may be employed to aid the Army officers in giving such instruction, and part of this instruction may consist of vocational education either in agriculture or the mechanical arts. *Sec. 27, Act of June 3, 1916 (39 Stat. 186).*

(For provision of this section immediately preceding this paragraph see paragraph 1082a.)

1293b. *Same—Secretary of War to prescribe necessary rules and regulations, and suspend, increase, or decrease the amount of instruction.*—The Secretary of War, with the approval of the President, shall prescribe rules and regulations for conducting the instruction herein provided for, and the Secretary of War shall have the power at all times to suspend, increase, or decrease the amount of such instruction offered as may in his judgment be consistent with the requirements of military instruction and service of the soldiers. *Id.*

1293c. *Instruction additional to military training.*—For the employment of the necessary civilian instructors in the most important

trades, for the purchase of carpenter's, machinist's, plumber's, mason's, electrician's, and such other tools and equipment as may be required, including machines used in connection with the trades, for the purchase of material and other supplies necessary for instruction and training purposes and the construction of such buildings needed for vocational training in agriculture for shops, storage, and shelter of machinery as may be necessary to carry out the provisions of section twenty-seven of the Act approved June third, nineteen hundred and sixteen,[1] authorizing, in addition to the military training of soldiers while in the active service, means for securing an opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations, part of this instruction to consist of vocational education either in agriculture or the mechanic arts. *Act of May 12, 1917 (40 Stat. 59).*

1293d. *Same—Transfer of enlisted men to organizations at regimental posts for such instructions.*—The Secretary of War may, in his discretion, in order to carry out the last provision, select one or more and not exceeding three regiments of Infantry, Cavalry, or Field Artillery to be stationed at a regimental post within the continental limits of the United States on or before July first, nineteen hundred and seventeen, and may transfer from such regiment to other organizations any enlisted man or men who do not desire educational or vocational training and instruction such as is contemplated by the concluding paragraph of section twenty-seven of the National Defense Act approved June third, nineteen hundred and sixteen,[1] and may transfer thereto from other organizations a number of enlisted men to be selected under such rules and regulations as he may prescribe who do desire such instruction and training or may receive recruits thereto sufficient to bring the enlisted strength of the regiment up to that authorized by law. *Id.*

1293e. *Same—Hours of educational and vocational training.*—During such part of the year beginning July first, nineteen hundred and seventeen, and thereafter as the enlisted men of the regiment so selected shall not be engaged on field service or in field training they shall be under training or instruction nine hours of each day, or as near that number of hours as possible, Sundays and holidays excepted, at least three hours of each day to be devoted to military training and six hours of each day, or as nearly that as possible, to educational and vocational training and instruction such as is contemplated by the concluding paragraph of section twenty-seven of the National Defense Act. *Id., 60.*

[1] See paragraphs 1293a, 1293b, ante.

1293f. *Same—Civilian instructors.*—The educational and vocational training to be had under civilian instructors employed for that purpose under such rules and regulations as the Secretary of War shall prescribe. *Id.*

1293g. *Same—Instructors and discipline under jurisdiction of military authorities.*—Said civilian instructors, as well as the discipline of the said post, shall be under the jurisdiction of the military authorities, under such rules and regulations as the Secretary of War may prescribe. *Id.*

1293h. *Vocational training for enlisted men, Aviation Section, Signal Corps.*—And also for vocational training, including employment of necessary civilian instructors in important trades related to aviation, purchase of tools, equipment, materials, and machines required for such training, purchase of textbooks, books of reference, scientific and professional papers, periodicals and magazines, and instruments and material for theoretical and practical instruction at aviation schools and stations, and all other means to carry out the provisions of section twenty-seven of the Act approved June third, nineteen hundred and sixteen, authorizing, in addition to the military training of soldiers while in active service, means for securing educational and vocational training of a character to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations. *Sec. 9, Act of July 24, 1917 (40 Stat. 246).*

(For the provision of this section immediately preceding this paragraph see paragraph 889uu, and for the ensuing provision see paragraph 979j, ante.)

1293i. *Persons injured required to follow courses of reeducation, vocational training, etc.*—In cases of dismemberment, of injuries to sight or hearing, and of other injuries commonly causing permanent disability, the injured person shall follow such course or courses of rehabilitation, reeducation, and vocational training as the United States may provide or procure to be provided. *Sec. 2–304, act of Oct. 6, 1917 (40 Stat. 407).*

(For provision of this act immediately preceding this paragraph see paragraph 1483jjj, ante.)

1293j. *Same—Enlistment in military or naval service of such persons unable to follow gainful occupations.*—Should such course prevent the injured person from following a substantially gainful occupation while taking same, a form of enlistment may be required which shall bring the injured person into the military or naval service. *Id.*

1293k. *Same—Pay during such enlistment.*—Such enlistment shall entitle the person to full pay as during the last month of his active service, and his family to family allowances and allotment as here-

inbefore provided, in lieu of all other compensation for the time being. *Id.*

1293l. *Same—Suspension of compensation on failure to take course or enlist.*—In case of his willful failure properly to follow such course or so to enlist, payment of compensation shall be suspended until such willful failure ceases and no compensation shall be payable for the intervening period. *Id.*

(For the ensuing provision of this act see paragraph 1483kkk, post.)

1294a. *Post offices at military posts.*—Hereafter, at all military posts where post offices have been established, the Secretary of War shall assign proper and suitable room or rooms for post office purposes. *Act of Aug. 1, 1914 (38 Stat. 629).*

ALCOHOLIC LIQUORS.[1]

1295a. *Regulation of sale, etc., in or near military camps or to officers and enlisted men.*—The President of the United States, as Commander in Chief of the Army, is authorized to make such regulations governing the prohibition of alcoholic liquors in or near military camps and to the officers and enlisted men of the Army as he may from time time deem necessary or advisable.[2] *Sec. 12, Act of May 18, 1917 (40 Stat. 82).*

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[1] *Narcotics.*—The act of December 17, 1914, Sections 1–12 (38 Stat. 785–790), provides for the registration of, with collectors of internal revenue, and imposes a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations thereof (cocaine, morphine, heroin, codeine, etc.); makes it unlawful for any person not registered under the provisions of the Act to have in his possession or under his control any of the drugs mentioned above; and imposes a fine of $2,000 or imprisonment for five years, or both, upon conviction, for a violation of the act.

[2] With reference to a recommendation that Tampa, Fla., where certain troops were assembled preliminary to their transfer to a division training camp, be declared a military post in order to require the closing of all saloons during the presence of the soldiers there,

Held, that the term "military camps," as used in the act of May 18, 1917, and the regulations made under authority thereof governing the prohibition of alcoholic liquors "in or near military camps," had reference to camps established for purposes of mobilization, training, embarkation, etc., of troops and were not intended to apply to places of preliminary assembly such as that under consideration. (War Dept. Bull. 54, Sept. 26, 1917.)

Section 12 of the act of May 12, 1917, and the regulations thereunder, prohibiting intoxicating liquors within specified distances of camps, apply to military camps in Porto Rico for the mobilization and training of drafted men. (War Dept. Bull. 67, Nov. 30, 1917.)

There is no authority under section 12 of the draft act and the regulations of the President thereunder for seizure of liquor within the proscribed zones nor for search of premises therein without a search warrant. The regulations are to be enforced through the Department of Justice. Cooperation with the Commissioner of Internal Revenue is advised. (Id.)

The Federal laws and regulations concerning intoxicating liquors and bawdy houses within proscribed limits of camps and concerning the sale of intoxicants to soldiers in uniform should be strictly enforced, and the commanding officers should request local authorities to enforce rigidly and vigorously the local statutes and regulations as to intoxicants and vice and should cooperate with them so far as possible. (Id.)

The word camp as used in the regulations of the President issued under section 12 of the draft act includes not only the space actually occupied by the

1295b. *Same—Sale prohibited at any military station, camp, fort, etc., except for medicinal purposes.*—No person, corporation, partnership, or association shall sell, supply, or have in his or its possession any intoxicating or spirituous liquors at any military station, cantonment, camp, fort, post, officers' or enlisted men's club, which is being used at the time for military purposes under this Act, but the Secretary of War may make regulations permitting the sale and use of intoxicating liquors for medicinal purposes. *Id.*

1295c. *Same—Sale of, to officers or enlisted men while in uniform.*—It shall be unlawful to sell any intoxicating liquor, including beer, ale, or wine, to any officer or member of the military forces while in uniform, except as herein provided. *Id.*

1295d. *Same—Punishment.*—Any person, corporation, partnership, or association violating the provisions of this section or the regulations made thereunder shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor and be punished by a fine of not more than $1,000 or imprisonment for not more than twelve months, or both. *Id.*

(The act of October 6, 1917 (40 Stat. 393), provides that in construing the provisions of the above section the word "Army" shall extend to and include "Navy"; the word "military" shall include "naval"; "Articles of War," shall include "Articles for the Government of the Navy," and the words "camps, station, cantonment, camp, fort, post, officers' or enlisted men's club," shall include such places under naval jurisdiction as the President may prescribe, and the powers therein conferred upon the Secretary of War with regard to the military service are, by the last-named act conferred upon the Secretary of the Navy with regard to the naval service.)

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tents or other cover in which the soldiers live but as well the adjacent territory habitually used by the encamped forces in the performance of their military duties. Within the proscribed limits of such camps the regulations should be rigidly enforced, and no suggestion of local civil authorities to the contrary should be tolerated. (Id.)

Licenses for the sale of intoxicating liquors granted by the respective States can not be revoked by Federal authority for violation of Federal regulations. (Id.)

The expense of conducting investigations and procuring evidence against bootleggers, drug users, and prostitutes for violations of the regulations under the draft act can not be paid from the appropriation for "Contingencies of the Army." Such expense should be borne by the Department of Justice. (War Dept. Bull. 72, Dec. 24, 1917.)

The regulations of the President under section 12 of the selective-draft act prohibiting intoxicating liquors within prescribed distances of military camps do not apply to permanent Regular Army posts. The regulations of the Secretary of War under section 13, prohibiting the keeping or setting up houses of ill fame, brothels, or bawdyhouses within prescribed distances of military camps do apply to Regular Army posts. (Id.)

The military authorities have no power to order the Military Police or any other part of the Army, as such, to assist the civil authorities in the execution of the law, except when called upon in the manner provided for in the Constitution of the United States and the acts of Congress. (20 Stat. 152.) This is equally true within as well as without the five-mile zones around military camps prescribed by the President, within which is forbidden the sale of alcoholic liquors and the keeping of bawdy houses. The foregoing does not contemplate the situation where, under the well-known conditions, military power may by proper authority be exercised in aid of the Federal civil power. (Dig. Ops. J. A. G., March, 1918.)

1295e. *Suppression, etc., of house of ill fame, etc., near military camps, etc.*—The Secretary of War is hereby authorized, empowered, and directed during the present war to do everything by him deemed necessary to suppress and prevent the keeping or setting up of houses of ill fame, brothels, or bawdy houses within such distance as he may deem needful of any military camp, station, fort, post, cantonment, training, or mobilization place. *Sec. 13, id., 83.*

1295f. *Same—Punishment for violation of regulations.*—Any person, corporation, partnership, or association receiving or permitting to be received for immoral purposes any person into any place, structure, or building used for the purpose of lewdness, assignation, or prostitution within such distance of said places as may be designated, or shall permit any such person to remain for immoral purposes in any such place, structure, or building as aforesaid, or who shall violate any order, rule, or regulation issued to carry out the object and purpose of this section shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor and be punished by a fine of not more than $1,000, or imprisonment for not more than twelve months, or both. *Id.*

(The act of October 6, 1917 (40 Stat. 393), provides that in construing the provisions of the above section the words "camp, station, fort, post, cantonment, training, or mobilization place," shall include such places under naval jurisdiction as the President may prescribe, and the powers therein conferred upon the Secretary of War are, by the last-named act, conferred upon the Secretary of the Navy with regard to the naval service.)

1315a. *Trespass upon or injury to mines, torpedoes, fortifications, etc., or violation of regulations as to defensive sea areas.*—Whoever shall willfully trespass upon, injure, or destroy any of the works or property or material of any submarine mine or torpedo or fortification or harbor-defense system owned or constructed or in process of construction by the United States, or shall willfully interfere with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system, or shall knowingly, willfully, or wantonly violate any duly authorized and promulgated order or regulation of the President governing persons or vessels within the limits of defensive sea areas, which defensive sea areas are hereby authorized to be established by order of the President from time to time as may be necessary in his discretion for purposes of national defense, shall be punished on conviction thereof in a district or circuit court of appeals of the United States for the district or circuit in which the offense is committed, or into which the offender is first brought, by a fine of not more than $5,000, or by imprisonment for a term not exceeding five years, or by both, in the discretion of the court. *Act of Mar. 4, 1917 (39 Stat. 1194), amending Sec. 44, Criminal Code (35 Stat. 1097).*

1315b. *Same—Jurisdiction of offenses committed within Canal Zone or defensive sea areas.*—Offenses hereunder committed within the Canal Zone or within any defensive sea areas which the President is authorized to establish by said section, shall be cognizable in the District Court of the Canal Zone, and jurisdiction is hereby conferred upon said court to hear and determine all such cases arising under said section and to impose the penalties therein provided for the violation of any of the provisions of said section. *Sec. 19, Act of May 22, 1917 (40 Stat. 89), amending sec. 44, Criminal Code (35 Stat. 1097).*

1315c. *Regulations for use and navigation of navigable waters to prevent injury from Coast Artillery fire, etc.*—In the interest of the national defense and for the better protection of life and property on said waters, the Secretary of War is hereby authorized and empowered to prescribe such regulations as he may deem best for the use and navigation of any portion of areas of the navigable waters of the United States or waters under the jurisdiction of the United States endangered or likely to be endangered by Coast Artillery fire in target practice or otherwise, or by the proving operations of the Government ordnance proving ground at Sandy Hook, New Jersey, or at any Government ordnance proving ground that may be established elsewhere on or near such waters, and of any portion or area of said waters occupied by submarine mines, mine fields, submarine cables, or other material and accessories pertaining to seacoast fortifications; and the said Secretary of War shall have like power to regulate the transportation of explosives upon any of said waters. *Sec. 8, Act of Aug. 8, 1917 (40 Stat. 266).*

1315d. *Same—Detail of vessels to enforce.*—To enforce the regulations prescribed pursuant to this section the Secretary of War may detail any public vessel in the service of the War Department, or, upon the request of the Secretary of War, the head of any other department may enforce, and the head of any such department is hereby authorized to enforce, such regulations by means of any public vessel of such department. *Id., 267.*

1316a. *Offenses within admiralty, maritime, and territorial jurisdiction of the United States.*—The crimes[1] and offenses defined in this chapter shall be punished as herein prescribed:

First. When committed upon the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, or when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State on board any vessel belonging in whole or in part to the United States

[1] Murder, manslaughter, rape, robbery, arson, larceny, etc.

or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof.

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Third. When committed within or on any lands reserved or acquired for the exclusive use of the United States, and under the exclusive jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dock-yard, or other needful building.

Fourth. On any island, rock, or key, containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States. *Sec. 272, Act of Mar. 4, 1909, Criminal Code (35 Stat. 1142).*

1316b. *Laws of States adopted for punishing wrongful acts, etc.*—Whoever, within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section two hundred and seventy-two of this Act, shall do or omit the doing of any act or thing which is not made penal by any law of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof now in force would be penal, shall be deemed guilty of a like offense and be subject to a like punishment; and every such State, Territorial, or District law shall, for the purposes of this section, continue in force, notwithstanding any subsequent repeal or amendment thereof by any such State, Territory, or District. *Sec. 289, id., 1145.*

ESPIONAGE.

1317½a. *National defenses—Penalty for unlawfully obtaining information as to, etc.*—Whoever, for the purpose of obtaining information respecting the national defenses with intent or reason to believe that the information to be obtained is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, or other place connected with the national defense, owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments

for use in time of war are being made, prepared, repaired, or stored, under any contract or agreement with the United States, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place within the meaning of section six of this title; or (b) whoever for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts, or induces or aids another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or (c) whoever, for the purpose aforesaid, receives or obtains or agrees or attempts or induces or aids another to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts or induces or aids another to receive or obtain it, that it has been or will be obtained, taken, made or disposed of by any person contrary to the provisions of this title; or (d) whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or (e) whoever, being intrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or both. *Title I, Sec. 1, Act of June 15, 1917 (40 Stat. 217).*

1317½b. *Same—Punishment for communicating such information, etc., to foreign governments, etc.*—Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any repre-

trades, for the purchase of carpenter's, machinist's, plumber's, mason's, electrician's, and such other tools and equipment as may be required, including machines used in connection with the trades, for the purchase of material and other supplies necessary for instruction and training purposes and the construction of such buildings needed for vocational training in agriculture for shops, storage, and shelter of machinery as may be necessary to carry out the provisions of section twenty-seven of the Act approved June third, nineteen hundred and sixteen,[1] authorizing, in addition to the military training of soldiers while in the active service, means for securing an opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations, part of this instruction to consist of vocational education either in agriculture or the mechanic arts. *Act of May 12, 1917 (40 Stat. 59).*

1293d. *Same—Transfer of enlisted men to organizations at regimental posts for such instructions.*—The Secretary of War may, in his discretion, in order to carry out the last provision, select one or more and not exceeding three regiments of Infantry, Cavalry, or Field Artillery to be stationed at a regimental post within the continental limits of the United States on or before July first, nineteen hundred and seventeen, and may transfer from such regiment to other organizations any enlisted man or men who do not desire educational or vocational training and instruction such as is contemplated by the concluding paragraph of section twenty-seven of the National Defense Act approved June third, nineteen hundred and sixteen,[1] and may transfer thereto from other organizations a number of enlisted men to be selected under such rules and regulations as he may prescribe who do desire such instruction and training or may receive recruits thereto sufficient to bring the enlisted strength of the regiment up to that authorized by law. *Id.*

1293e. *Same—Hours of educational and vocational training.*—During such part of the year beginning July first, nineteen hundred and seventeen, and thereafter as the enlisted men of the regiment so selected shall not be engaged on field service or in field training they shall be under training or instruction nine hours of each day, or as near that number of hours as possible, Sundays and holidays excepted, at least three hours of each day to be devoted to military training and six hours of each day, or as nearly that as possible, to educational and vocational training and instruction such as is contemplated by the concluding paragraph of section twenty-seven of the National Defense Act. *Id., 60.*

[1] See paragraphs 1293a, 1293b, ante.

1293f. *Same—Civilian instructors.*—The educational and vocational training to be had under civilian instructors employed for that purpose under such rules and regulations as the Secretary of War shall prescribe. *Id.*

1293g. *Same—Instructors and discipline under jurisdiction of military authorities.*—Said civilian instructors, as well as the discipline of the said post, shall be under the jurisdiction of the military authorities, under such rules and regulations as the Secretary of War may prescribe. *Id.*

1293h. *Vocational training for enlisted men, Aviation Section, Signal Corps.*—And also for vocational training, including employment of necessary civilian instructors in important trades related to aviation, purchase of tools, equipment, materials, and machines required for such training, purchase of textbooks, books of reference, scientific and professional papers, periodicals and magazines, and instruments and material for theoretical and practical instruction at aviation schools and stations, and all other means to carry out the provisions of section twenty-seven of the Act approved June third, nineteen hundred and sixteen, authorizing, in addition to the military training of soldiers while in active service, means for securing educational and vocational training of a character to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations. *Sec. 9, Act of July 24, 1917 (40 Stat. 246).*

(For the provision of this section immediately preceding this paragraph see paragraph 889uu, and for the ensuing provision see paragraph 979j, ante.)

1293i. *Persons injured required to follow courses of reeducation, vocational training, etc.*—In cases of dismemberment, of injuries to sight or hearing, and of other injuries commonly causing permanent disability, the injured person shall follow such course or courses of rehabilitation, reeducation, and vocational training as the United States may provide or procure to be provided. *Sec. 2–304, act of Oct. 6, 1917 (40 Stat. 407).*

(For provision of this act immediately preceding this paragraph see paragraph 1483jjj, ante.)

1293j. *Same—Enlistment in military or naval service of such persons unable to follow gainful occupations.*—Should such course prevent the injured person from following a substantially gainful occupation while taking same, a form of enlistment may be required which shall bring the injured person into the military or naval service. *Id.*

1293k. *Same—Pay during such enlistment.*—Such enlistment shall entitle the person to full pay as during the last month of his active service, and his family to family allowances and allotment as here-

diction of the United States and outside the territorial limits thereof shall be punishable hereunder. *Sec. 8, id.*

1317¼k. *Repeal of national defense secrets Act of March 3, 1911.*—The Act entitled "An Act to prevent the disclosure of national defense secrets," approved March third, nineteen hundred and eleven, is hereby repealed.[1] *Sec. 9, id.*

(For general provisions of this act applicable to this title see paragraphs 1475r–1475u.)

1317¼l. *Possession or control of property or papers in aid of foreign government designed or intended, etc., for violating penal statutes, treaty rights or obligations of United States, or rights, etc., under law of nations; punishment.*—Whoever, in aid of any foreign Government, shall knowingly and willfully have possession of or control over any property or papers designed or intended for use or which is used as the means of violating any penal statute, or any of the rights or obligations of the United States under any treaty or the law of nations, shall be fined not more than $1,000 or imprisoned not more than two years, or both. *Title XI, Sec. 22, id., 230.*

(For preceding section of this title see paragraph 1449u, and for the ensuing section see paragraph 1449v.).

[1] Paragraphs 1317¼, 1317¼, and 1317⅛ repealed.

CHAPTER XXXI.

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for use in time of war are being made, prepared, repaired, or stored, under any contract or agreement with the United States, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place within the meaning of section six of this title; or (b) whoever for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts, or induces or aids another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or (c) whoever, for the purpose aforesaid, receives or obtains or agrees or attempts or induces or aids another to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts or induces or aids another to receive or obtain it, that it has been or will be obtained, taken, made or disposed of by any person contrary to the provisions of this title; or (d) whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or (e) whoever, being intrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or both. *Title I, Sec. 1, Act of June 15, 1917 (40 Stat. 217).*

1317¼b. *Same—Punishment for communicating such information, etc., to foreign governments, etc.*—Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any repre-

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1295b. *Same—Sale prohibited at any military station, camp, fort, etc., except for medicinal purposes.*—No person, corporation, partnership, or association shall sell, supply, or have in his or its possession any intoxicating or spirituous liquors at any military station, cantonment, camp, fort, post, officers' or enlisted men's club, which is being used at the time for military purposes under this Act, but the Secretary of War may make regulations permitting the sale and use of intoxicating liquors for medicinal purposes. *Id.*

1295c. *Same—Sale of, to officers or enlisted men while in uniform.*—It shall be unlawful to sell any intoxicating liquor, including beer, ale, or wine, to any officer or member of the military forces while in uniform, except as herein provided. *Id.*

1295d. *Same—Punishment.*—Any person, corporation, partnership, or association violating the provisions of this section or the regulations made thereunder shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor and be punished by a fine of not more than $1,000 or imprisonment for not more than twelve months, or both. *Id.*

(The act of October 6, 1917 (40 Stat. 393), provides that in construing the provisions of the above section the word "Army" shall extend to and include "Navy"; the word "military" shall include "naval"; "Articles of War," shall include "Articles for the Government of the Navy," and the words "camps, station, cantonment, camp, fort, post, officers' or enlisted men's club," shall include such places under naval jurisdiction as the President may prescribe, and the powers therein conferred upon the Secretary of War with regard to the military service are, by the last-named act conferred upon the Secretary of the Navy with regard to the naval service.)

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tents or other cover in which the soldiers live but as well the adjacent territory habitually used by the encamped forces in the performance of their military duties. Within the proscribed limits of such camps the regulations should be rigidly enforced, and no suggestion of local civil authorities to the contrary should be tolerated. (Id.)

Licenses for the sale of intoxicating liquors granted by the respective States can not be revoked by Federal authority for violation of Federal regulations. (Id.)

The expense of conducting investigations and procuring evidence against bootleggers, drug users, and prostitutes for violations of the regulations under the draft act can not be paid from the appropriation for "Contingencies of the Army." Such expense should be borne by the Department of Justice. (War Dept. Bull. 72, Dec. 24, 1917.)

The regulations of the President under section 12 of the selective-draft act prohibiting intoxicating liquors within prescribed distances of military camps do not apply to permanent Regular Army posts. The regulations of the Secretary of War under section 13, prohibiting the keeping or setting up houses of ill fame, brothels, or bawdyhouses within prescribed distances of military camps do apply to Regular Army posts. (Id.)

The military authorities have no power to order the Military Police or any other part of the Army, as such, to assist the civil authorities in the execution of the law, except when called upon in the manner provided for in the Constitution of the United States and the acts of Congress. (20 Stat. 152.) This is equally true within as well as without the five-mile zones around military camps prescribed by the President, within which is forbidden the sale of alcoholic liquors and the keeping of bawdy houses. The foregoing does not contemplate the situation where, under the well-known conditions, military power may by proper authority be exercised in aid of the Federal civil power. (Dig. Ops. J. A. G., March, 1918.)

less than time and one-half for all hours work in excess of eight hours.[1] *Id.*

1234a. *American manufacture, preference to be given to in purchase of material for Ordnance Department.*—All material purchased under the appropriations in this act for the Ordnance Department of the United States Army shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases abroad, which material shall be admitted free of duty. *Act of Oct. 6, 1917 (40 Stat. 367).*

1236a. *Contracts for printing.*—No part of the appropriations for the Quartermaster Corps shall be expended on printing unless the same shall be done at the Government Printing Office, or by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition, and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the purchase of material and hire of the necessary labor for the purpose.[2] *Act of Mar 4, 1915 (38 Stat. 1073).*

1236b. *Same.*—No part of the appropriations for the Quartermaster Corps shall be expended on printing unless the same shall be done at the Government Printing Office, or by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition, and in cases where it is impracticable to have the necessary printing done by contract the same may be done with the approval of the Secretary of War, by the purchase of material and hire of the necessary labor for the purpose. *Act. of Aug. 29, 1916 (39 Stat. 631).*

(The acts of May 12 and Oct. 6, 1917 (40 Stat. 51, 359), contain provisions identical with above.)

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[1] The question was presented whether the Government was authorized to pay mechanics employed under lump-sum appropriations extra compensation for overtime work in excess of eight hours a day, such overtime work being authorized in emergencies.

Held, that as there is no law governing the rates of pay of mechanics employed directly by the Government who are paid lump-sum appropriations, but the terms of their employment are fixed by agreement between the parties, it is discretionary with the department to allow, by agreement with such employees, extra pay for overtime work in excess of eight hours; and *recommended*, in view of the prevailing practice in the commercial and industrial world of allowing mechanics and laborers extra pay for overtime in excess of a basic eight-hour day, and of the action of Congress in requiring adherence to this practice as to persons employed on contracts with the United States (act of Mar. 4, 1917, 39 Stat., 1192), that mechanics and laborers employed directly by the Government be placed upon equal terms of employment in this respect. (War Dept. Bull. 67, Nov. 30, 1917.)

Contracts for clothing may not contain a provision permitting more than eight hours' work per day for eight hours' pay, even though the week's work be limited to 48 hours. Under the Executive order of March 24, 1917, more than eight hours' work per day is permitted, provided that full pay be given for eight hours, and pay at the rate of time and one-half for overtime. (*Id.*)

[2] For similar provision see act of April 27, 1914 (38 Stat. 362).

1315b. *Same—Jurisdiction of offenses committed within Canal Zone or defensive sea areas.*—Offenses hereunder committed within the Canal Zone or within any defensive sea areas which the President is authorized to establish by said section, shall be cognizable in the District Court of the Canal Zone, and jurisdiction is hereby conferred upon said court to hear and determine all such cases arising under said section and to impose the penalties therein provided for the violation of any of the provisions of said section. *Sec. 19, Act of May 22, 1917 (40 Stat. 89), amending sec. 44, Criminal Code (35 Stat. 1097).*

1315c. *Regulations for use and navigation of navigable waters to prevent injury from Coast Artillery fire, etc.*—In the interest of the national defense and for the better protection of life and property on said waters, the Secretary of War is hereby authorized and empowered to prescribe such regulations as he may deem best for the use and navigation of any portion of areas of the navigable waters of the United States or waters under the jurisdiction of the United States endangered or likely to be endangered by Coast Artillery fire in target practice or otherwise, or by the proving operations of the Government ordnance proving ground at Sandy Hook, New Jersey, or at any Government ordnance proving ground that may be established elsewhere on or near such waters, and of any portion or area of said waters occupied by submarine mines, mine fields, submarine cables, or other material and accessories pertaining to seacoast fortifications; and the said Secretary of War shall have like power to regulate the transportation of explosives upon any of said waters. *Sec. 8, Act of Aug. 8, 1917 (40 Stat. 266).*

1315d. *Same—Detail of vessels to enforce.*—To enforce the regulations prescribed pursuant to this section the Secretary of War may detail any public vessel in the service of the War Department, or, upon the request of the Secretary of War, the head of any other department may enforce, and the head of any such department is hereby authorized to enforce, such regulations by means of any public vessel of such department. *Id., 267.*

1316a. *Offenses within admiralty, maritime, and territorial jurisdiction of the United States.*—The crimes[1] and offenses defined in this chapter shall be punished as herein prescribed:

First. When committed upon the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, or when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State on board any vessel belonging in whole or in part to the United States

[1] Murder, manslaughter, rape, robbery, arson, larceny, etc.

CHAPTER XXX.

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for use in time of war are being made, prepared, repaired, or stored, under any contract or agreement with the United States, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place within the meaning of section six of this title; or (b) whoever for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts, or induces or aids another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or (c) whoever, for the purpose aforesaid, receives or obtains or agrees or attempts or induces or aids another to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts or induces or aids another to receive or obtain it, that it has been or will be obtained, taken, made or disposed of by any person contrary to the provisions of this title; or (d) whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or (e) whoever, being intrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or both. *Title I, Sec. 1, Act of June 15, 1917 (40 Stat. 217).*

1317¼b. *Same—Punishment for communicating such information, etc., to foreign governments, etc.*—Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any repre-

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Same—Sale prohibited at any military station, camp, fort, etc., except for medicinal purposes	1295b
Same—Sale of to officers or enlisted men while in uniform	1295c
Same—Punishment	1295d
Suppression, etc., of houses of ill fame, etc., near military camps, etc	1295e
Same—Punishment for violation of regulations	1295f
Trespass upon or injury to mines, torpedoes, fortifications, etc., or violation of regulations as to defensive sea areas	1315a
Same—Jurisdiction of offenses committed within Canal Zone or defensive sea areas	1315b
Regulations for use and navigation of navigable waters to prevent injury from Coast Artillery fire, etc	1315c
Same—Detail of vessels to enforce	1315d
Offenses within admiralty, maritime, and territorial jurisdiction of United States	1316a
Laws of States adopted for punishing wrongful acts	1316b
Espionage	1317¼a–1317¼l
National defense—Punishment for unlawfully obtaining information as to, etc	1317¼a
Same—Punishment for communicating such information, etc., to foreign Governments, etc	1317¼b
Same—Punishment for communicating, collecting, etc., information in time of war	1317¼c
Same—Making, etc., false reports, etc., with intent to interfere with operations of military forces while at war; causing, etc., insubordination, disloyalty, mutiny, etc.; obstructing recruiting or enlistment, punishment	1317¼d
Conspiracy to violate two preceding sections, punishment	1317¼e
Punishment for other conspiracies committed under this title	1317¼f
Harboring or concealing persons violating provisions of title, punishment	1317¼g
Designation by proclamation of prohibited places under title	1317¼h
Jurisdiction of general courts-martial, etc., not limited by title	1317¼i
Places subject to provisions of title	1317¼j
Repeal of national defense secrets act of March 3, 1911	1317¼k
Possession or control of property or papers in aid of foreign Government designed or intended, etc., for violating penal statutes, treaty rights, or obligations of United States, or rights, etc., under law of nations, punishment	1317¼l

1255a. *Sale of airplane war materials to foreign governments, etc., engaged with United States in prosecution of war.*—The President, during the present emergency, is authorized, through the head of any department of the Government, to sell any war materials used in the construction of airplanes which may have been or may hereafter be acquired by the United States for the purpose of the Army or Navy,

or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than $10,000 or imprisonment for not more than twenty years, or both. *Sec. 3, id., 219.*

1317¼e. *Conspiracy to violate two preceding sections; punishment.*—If two or more persons conspire to violate the provisions of sections two or three of this title, and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy. *Sec. 4, id.*

1317¼f. *Punishment for other conspiracies committed under this title.*—Except as above provided conspiracies to commit offenses under this title shall be punished as provided by section thirty-seven[1] of the Act to codify, revise, and amend the penal laws of the United States approved March fourth, nineteen hundred and nine. *Id.*

1317¼g. *Harboring or concealing persons violating provisions of title, punishment.*—Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this title shall be punished by a fine of not more than $10,000 or by imprisonment for not more than two years, or both. *Sec. 5, id.*

1317¼h. *Designation by proclamation of prohibited places under title.*—The President in time of war or in case of national emergency may by proclamation designate any place other than those set forth in subsection (a) of section one hereof in which anything for the use of the Army or Navy is being prepared or constructed or stored as a prohibited place for the purposes of this title: *Provided*, That he shall determine that information with respect thereto would be prejudicial to the national defense. *Sec. 6, id.*

1317¼i. *Jurisdiction of general courts-martial, etc., not limited by title.*—Nothing contained in this title shall be deemed to limit the jurisdiction of the general courts-martial, military commissions, or naval courts-martial under sections thirteen hundred and forty-two, thirteen hundred and forty-three, and sixteen hundred and twenty-four of the Revised Statutes as amended. *Sec. 7, id.*

1317¼j. *Places subject to provisions of title.*—The provisions of this title shall extend to all Territories, possessions, and places subject to the jurisdiction of the United States whether or not contiguous thereto, and offenses under this title when committed upon the high seas or elsewhere within the admiralty and maritime juris-

[1] 35 Stat., 1096.

diction of the United States and outside the territorial limits thereof shall be punishable hereunder. *Sec. 8, id.*

1317¼k. *Repeal of national defense secrets Act of March 3, 1911.*—The Act entitled "An Act to prevent the disclosure of national defense secrets," approved March third, nineteen hundred and eleven, is hereby repealed.[1] *Sec. 9, id.*

(For general provisions of this act applicable to this title see paragraphs 1475r–1475u.)

1317¼l. *Possession or control of property or papers in aid of foreign government designed or intended, etc., for violating penal statutes, treaty rights or obligations of United States, or rights, etc., under law of nations; punishment.*—Whoever, in aid of any foreign Government, shall knowingly and willfully have possession of or control over any property or papers designed or intended for use or which is used as the means of violating any penal statute, or any of the rights or obligations of the United States under any treaty or the law of nations, shall be fined not more than $1,000 or imprisoned not more than two years, or both. *Title XI, Sec. 22, id., 230.*

(For preceding section of this title see paragraph 1449u, and for the ensuing section see paragraph 1449v.).

[1] Paragraphs 1317¼, 1317¼, and 1317⅛ repealed.

1272i. *Persons in armed forces of United States, before whom affidavits required by law affecting applications, entires, etc., may be made.*—During the continuance of the present war with Germany, and until his discharge from service, any man serving in the armed forces of the United States, who, prior to the beginning of his services was a settler, an applicant, or entryman under the land laws of the United States, or who has, prior to enlistment, filed a contest, with the view of exercising preference right of entry therefor, may make any affidavit required by law or regulation of the department, affecting such application, entry, or contest, or necessary to the making of entry in the case of the successful termination of such contest awarding him preference right of entry, before his commanding officer as provided in section twenty-two hundred and ninety-three of the Revised Statutes of the United States, which affidavits shall be as binding in law and with like penalties as if taken before the Register of the United States Land Office. *Act of Oct. 6, 1917 (40 Stat. 391), amending Sec. 2293, R. S.*

MINING CLAIMS.

1272j. *Provisions of R. S. 2324, as to labor on, not applicable to persons in military service, etc., during war with Germany.*—The provisions of section twenty-three hundred and twenty-four of the Revised Statutes of the United States, which require that on each mining claim located after the tenth day of May, eighteen hundred and seventy-two, and until patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year, shall not apply to claims or parts of claims owned by officers or enlisted men who have been or may, during the present war with Germany, be mustered into the military or naval service of the United States to serve during their enlistment in the war with Germany, so that no mining claim or any part thereof owned by such person which has been regularly located and recorded shall be subject to forfeiture for nonperformance of the annual assessments during the period of his service or until six months after such owner is mustered out of the service or until six months after his death in the service. *Joint Resolution of July 17, 1917 (40 Stat. 243).*

1272l. *Same—Notice of muster into service to be filed.*—The claimant of any mining location, in order to obtain the benefits of this resolution, shall file, or cause to be filed, a notice in the office where the location notice or certificate is recorded, before the expiration of the assessment year during which he is so mustered, giving notice of his muster into the service of the United States and of his desire to hold said mining claim under this resolution. *Id.*

by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals, and navy yards of the United States; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States, shall be exempt from militia duty without regard to age, and all persons who because of religious belief shall claim exemption from military service, if the conscientious holding of such belief by such person shall be established under such regulations as the President shall prescribe, shall be exempted from militia service in a combatant capacity; but no person so exempted shall be exempt from militia service in any capacity that the President shall declare to be noncombatant.[1] *Sec. 59, id. 197.*

(See par. 1324 for prior law exempting religious sects or organizations.)

1325a. *Organization of National Guard units.*—Except as otherwise specifically provided herein, the organization of the National Guard, including the composition of all units thereof, shall be the same as that which is or may hereafter be prescribed for the Regular Army, subject in time of peace to such general exceptions as may be

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others shall not be so recognized until they have signed the enlistment contract and taken the oath therein provided. Section 111 (Comp. St. 1916, sec. 3045) and selective-draft law, May 18, 1917, authorize the President to draft all members of the National Guard into the military service of the United States. *Held*, that an order of the President, calling a company and regiment of the National Guard into the Federal service, made a member of such company and regiment, whose original enlistment contract contained the obligation prescribed by section 70, and who, when previously called into the Federal service, had taken the additional oath prescribed by that section, a soldier of the United States Army subject to military trial or punishment, though he had not consented to be mustered into the military forces of the United States under such order.

"Where a minor enlists without the written consent of his parent or guardian an application by his parent or guardian for his release must be made with reasonable diligence after acquiring knowledge of the enlistment, and before an offense has been committed by the minor, and after an offense has been committed, and especially after he has been placed under arrest and charges have been preferred against him, it is too late for the parent or guardian to oust the jurisdiction of the military authorities by an application for a writ of habeas corpus.

"That an enlisted soldier has a mother, of whom he is the only support, does not make void his contract of enlistment.

"One who enlisted in the National Guard, was accepted, took the prescribed oath, and later took the Federal enlistment oath, as prescribed by national-defense act, June 3, 1916, chapter 134, section 70, Thirty-ninth Statutes, 201 (Comp. St. 1916, sec. 3044l), and received pay and clothing over a long period from State and Nation, is a soldier, subject to the jurisdiction of a military tribunal for any offense committed against military law, though he was under 21 when he enlisted, and enlisted without the written consent of his parent or guardian, and though he was an alien, who had not made the declaration of his intention to become a citizen, and though he had a mother dependent upon him for support.

"If a military tribunal has jurisdiction to try a person charged with an offense against military law, the civil courts can not interfere by writ of habeas corpus." (Ex parte Dostal (Dist. Ct. N. D. Ohio Aug. 15, 1917), 249 Fed. Rep. 664, War Dept. Bull. 67, Nov. 30, 1917.)

[1] *Held*, that the exemptions are personal and may be waived, and that a person who waives his exemption by enlisting in the National Guard can not thereafter during the enlistment avail himself of it. (War Dept. Bull. 28, Aug. 18, 1916.)

United States of America, such land as may be necessary for aviation purposes, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $300,000, or so much thereof as may be necessary, for said purpose. *Id.*

1274c. *Donation of lands for mobilization, training, and supply stations, acceptance of; also report as to additional needs for National Guard and Regular Army.*—The Secretary of War is hereby authorized to accept for the United States from any person such tract or tracts of land suitable and desirable in his judgment for permanent mobilization, training, and supply stations; and he is directed to investigate and report to Congress as soon as practicable what additional tracts are necessary for said purposes for use by the National Guard and by the Regular Army and the probable cost of the same. *Id. 623.*

1274d. *Report as to land and buildings required for airships, etc., for seacoast defenses.*—The Secretary of War is directed to submit to Congress on or before January first, nineteen hundred and eighteen, a detailed statement of the land, buildings, and other facilities now available and to be required for the accommodation of airships and other aerial machines to be used in connection with the seacoast defenses of the continental United States, the insular possessions, and the Panama Canal. *Act of Feb. 14, 1917 (39 Stat. 910).*

1274e. *Acquisition of sites for aviation schools, posts and stations.*—The Secretary of War is hereby authorized to acquire, by purchase, donation, or by condemnation, such land sites throughout the United States as are immediately necessary for the permanent establishment of aviation schools, aviation posts, and experimental aviation stations and proving grounds for the United States Army.[1] *Act of May 12, 1917 (40 Stat. 42.)*

1274f. *Land-site funds available for other purposes; leasing of aviation fields.*—The funds thus authorized for use in the purchase of land sites may also be used for the improvement and preparation of land and waters contiguous thereto; for the construction, maintenance, and repair of permanent barracks, quarters, stables, storehouses, magazines, administration buildings, hangars, sheds, shops, garages, and other permanent buildings necessary for the shelter of aviation troops, public animals, stores and equipment, and for administration purposes; for the purchase of all equipment and material necessary for the installation, operation, and repair of all water, sewer, electric-light and electric-power systems; for the construction of roads, walks, and wharves; for the disposal of drainage; for the clearing, grading, rolling, seeding, dredging, and otherwise improving and preparing land and water sites; for rental and lease of

[1] The Act of June 15, 1917, urgent deficiencies act (40 Stat. 187), contains a provision identical with above paragraph.

	Par.
Draft, organize, and officer National Guard and National Guard Reserves	1339p
State designations of organizations to be retained	1339q
Subject to rules and articles of war when called into service of the United States	1342a
Courts-martial	1343a–1343h
System of courts-martial for when not in service of United States	1343a
Same—Convening authority and jurisdiction of general courts-martial	1343b
Same—Convening authority and jurisdiction of special courts-martial	1343c
Same—Convening authority and jurisdiction of summary courts	1343d
Same—All courts-martial may impose confinement in lieu of authorized fines	1343e
Same—Approval of sentence of dismissal or dishonorable discharge	1343f
Same—President of courts-martial and summary court officers empowered to issue warrants for arrest of accused, and other necessary process	1343g
Same—All processes and sentences of courts to be executed by prescribed civil officers	1343h
Enlistment	1344a–1344e
Period of	1344a
Same—May be active during entire enlistment period, with right to reenlist	1344b
Federal enlistment contract and oath	1344c
Same—Applies to all subsequent enlistments	1344d
Discharge, form of; may be issued in time of peace before expiration of term of enlistment	1344e
Officers	1344f–1344l
Regularly commissioned officers to continue in office without issuance of new commissions	1344f
Same—Federal oath to be taken by	1344g
Classes from which commissioned officers may be selected for appointment	1344h
Same—Examination to determine physical, moral, and professional fitness for appointment	1344i
Filling vacancies in organizations which have been drafted into Federal Service	1344j
Discharge of officers on approved findings of efficiency board, etc	1344k
Transfer of officers to National Guard Reserve on their application or when rendered surplus by disbandment of their organizations	1344l
Support of dependent families	1347a–1347e
Applies to families of members of Organized Militia, National Guard, and Regular Army	1347a
Same—Action of Secretary of War to be final in all cases	1347b
Same—Not applicable where soldier marries after certain date; family defined	1347c
Same—Amendment of provision so as to cover enlistments made before and after call of the President, etc	1347d
Same—Appropriation for continuation of, under same conditions as original appropriation	1347e
Support of dependent families, time limit for filing application for	1347f
Men enlisted to bring organizations up to minimum entitled to pay from date of enlistment to date of muster in or rejection	1349a
Transportation to their homes of members of National Guard who have been discharged because of dependent families	1349b

be paid into court the value of the same as so determined, together with interest thereon at the rate of six per centum per annum from date possession thereof was taken as herein authorized; and thereupon the United States shall be vested with title to said lands. *Id.*

1274j. *Appropriation for payment of award and distribution by order of court.*—The amount so paid shall be distributed by order of the court to the owner or owners of such right, title, or interest in said island as their respective interests may be determined by the court. The amount necessary to pay the awards in favor of private claimants is hereby appropriated, out of any money in the Treasury not otherwise specifically appropriated, to be disbursed under orders of the Secretary of War. *Id.*

1274k. *Proving ground for testing ordnance material.*—For increasing facilities for the proof and test of ordnance material, including necessary buildings, construction, equipment, land, and damages and losses to persons, firms, and corporations, resulting from the procurement of the land for this purpose, and also the salaries and expenses of any agents appointed to assist in the procurement of said land or damages resulting from its taking, $7,000,000. *Act of Oct. 6, 1917 (40 Stat. 352).*

1274l. *President authorized to take over necessary land, etc., on failure to purchase.*—If the land and appurtenances and improvements attached thereto, as contemplated under the foregoing appropriation, can not be procured by purchase, then the President is hereby authorized and empowered to take over for the United States the immediate possession and title, including all easements, rights of way, riparian and other rights appurtenant thereto, or any land selected by him to be used for the carrying out of the purpose named in the aforesaid appropriation. *Id., 353.*

1274m. *Same—Just compensation for land, etc., taken, method to determine.*—If said land and appurtenances and improvements shall be taken over as aforesaid the United States shall make just compensation therefor, to be determined by the President, and if the amount thereof, so determined by the President, is unsatisfactory to the person entitled to receive the same, such person shall be paid seventy-five per centum of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum, as, added to the said seventy-five per centum, will make up such amount as will be just compensation therefor, in the manner provided for by section twenty-four, paragraph twenty, and section one hundred and forty-five of the Judicial Code.[1] *Id.*

1274n. *Same—Title to immediately vest in United States.*—Upon the taking over of said property by the President as aforesaid the

[1] See paragraphs 278 and 277, ante, or 36 Stat. 1136, 1093.

	Par.
Same—Horses to conform to standards for Regular Army and remain property of United States, etc	1364b
Same—Secretary of War may issue condemned Army horses to	1364c
Field Artillery material for Organized Militia, accountability for	1364d
Same	1364e
Field Artillery material for the National Guard	1364f
Field Artillery ammunition for the Organized Militia	1364g
Ammunition for Field Artillery for the National Guard	1364h
Funds allotted available for purchase of horses for Field Artillery and Cavalry	1364i
Same—Number to be issued to battery or troop, or issuance of condemned Army horses in lieu of purchase	1364j
Same—Forage, bedding, shoeing, and care of, etc	1364k
Same—Not to exceed five enlisted men for each battery or troop to be detailed for care of	1364l
Horses for Field Artillery, Cavalry, and other mounted units of National Guard	1364m
Compensation for care of material, animals, and equipment	1364n
Transfer of horses and pack mules to National Guard organizations	1364o
Supplying new types of small arms or field guns	1365a
Stores, supplies, and material of war purchased by States and Territories may, in time of war, be requisitioned by United States	1366a
Militia, Coast Artillery, equipment of armories	1367a
District of Columbia, lease of armory, etc., for	1372a

NATIONAL GUARD.

1321a. *Word Territory defined.*—The word Territory as used in this Act and in all laws relating to the land militia and National Guard shall include and apply to Hawaii, Alaska, Porto Rico, and the Canal Zone, and the militia of the Canal Zone shall be organized under such rules and regulations, not in conflict with the provisions of this Act, as the President may prescribe. *Sec. 62, Act of June 3, 1916 (39 Stat. 198).*

(For the provisions of this section preceding this paragraph see paragraphs 1325e, 1325f, 1325g, and 1325h; see, also, paragraphs 1376 and 1377.)

1322a. *Composition of.*—The militia of the United States shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, who shall be more than eighteen years of age and, except as hereinafter provided, not more than forty-five years of age, and said militia shall be divided into three classes, the National Guard, the Naval Militia, and the Unorganized Militia. *Sec. 57, id. 197.*

1322b. *Composition of the National Guard.*—The National Guard shall consist of the regularly enlisted militia between the ages of eighteen and forty-five years organized, armed, and equipped as here-

grounds, of the United States within the District of Columbia, any building or structure without express authority of Congress. *Act of Aug. 24, 1912 (37 Stat. 444).*

1279c. *Temporary buildings for American Red Cross in District of Columbia.*—Authority be, and is hereby, given to the Commission on Memorial to Women of the Civil War to grant permission, under such conditions and restrictions as it may deem necessary, to the central committee of the American Red Cross to erect upon square numbered one hundred and seventy-two, in the city of Washington, a temporary building or buildings for the use of the American Red Cross in connection with its work in cooperation with the Government of the United States. *Joint Resolution of May 22, 1917 (40 Stat. 90).*

1279d. *Same—Removal within three years.*—Any building or buildings which may be erected under this authority shall be removed and the site or sites thereof placed in good condition within three years from the date of the approval of this resolution, unless otherwise especially provided by Congress: *Provided further*, That the United States shall be put to no expense of any kind by reason of the exercise of the authority hereby conferred. *Id.*

1279e. *Temporary building may be erected by Secretary of War in Smithsonian Grounds, District of Columbia.*—Authority be, and is hereby, given to the Board of Regents of the Smithsonian Institution to grant permission, under such conditions and restrictions as they may deem necessary, to the Secretary of War to erect for the use of the War Department a temporary structure or structures in the Smithsonian Grounds in the city of Washington: *Provided*, That the Secretary of War shall have such building or buildings removed from the said grounds and the site or sites thereof placed in as good condition as at present within three years from the date of the approval of this resolution. *Joint Resolution of June 9, 1917 (40 Stat. 102).*

1281a. *Sale of land purchased for target ranges for National Guard.*—When any land which has been heretofore or may be hereafter acquired by purchase for a target range for the use of the National Guard of any State, Territory, or the District of Columbia, shall have become useless or shall be found to be unavailable for such purpose, the Secretary of War may cause the same to be sold either in whole or in two or more parts as he may deem best for the interests of the United States. *Act of May 12, 1917 (40 Stat. 67).*

1281b. *Same—Appraisal and method of sale.*—In the disposal of such property, the Secretary of War shall cause the same to be appraised either as a whole or in two or more tracts, having due reference to the requirements of any permanent improvements made thereon; and he shall cause the property to be offered at public or private sale at not less than the appraised value. *Id.*

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Same—All courts-martial may impose confinement in lieu of authorized fines	1343e
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Enlistment	1344a–1344e
Period of	1344a
Same—May be active during entire enlistment period, with right to reenlist	1344b
Federal enlistment contract and oath	1344c
Same—Applies to all subsequent enlistments	1344d
Discharge, form of; may be issued in time of peace before expiration of term of enlistment	1344e
Officers	1344f–1344l
Regularly commissioned officers to continue in office without issuance of new commissions	1344f
Same—Federal oath to be taken by	1344g
Classes from which commissioned officers may be selected for appointment	1344h
Same—Examination to determine physical, moral, and professional fitness for appointment	1344i
Filling vacancies in organizations which have been drafted into Federal Service	1344j
Discharge of officers on approved findings of efficiency board, etc	1344k
Transfer of officers to National Guard Reserve on their application or when rendered surplus by disbandment of their organizations	1344l
Support of dependent families	1347a–1347e
Applies to families of members of Organized Militia, National Guard, and Regular Army	1347a
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Same—Not applicable where soldier marries after certain date; family defined	1347c
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Men enlisted to bring organizations up to minimum entitled to pay from date of enlistment to date of muster in or rejection	1349a
Transportation to their homes of members of National Guard who have been discharged because of dependent families	1349b

trades, for the purchase of carpenter's, machinist's, plumber's, mason's, electrician's, and such other tools and equipment as may be required, including machines used in connection with the trades, for the purchase of material and other supplies necessary for instruction and training purposes and the construction of such buildings needed for vocational training in agriculture for shops, storage, and shelter of machinery as may be necessary to carry out the provisions of section twenty-seven of the Act approved June third, nineteen hundred and sixteen,[1] authorizing, in addition to the military training of soldiers while in the active service, means for securing an opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations, part of this instruction to consist of vocational education either in agriculture or the mechanic arts. *Act of May 12, 1917 (40 Stat. 59).*

1293d. *Same—Transfer of enlisted men to organizations at regimental posts for such instructions.*—The Secretary of War may, in his discretion, in order to carry out the last provision, select one or more and not exceeding three regiments of Infantry, Cavalry, or Field Artillery to be stationed at a regimental post within the continental limits of the United States on or before July first, nineteen hundred and seventeen, and may transfer from such regiment to other organizations any enlisted man or men who do not desire educational or vocational training and instruction such as is contemplated by the concluding paragraph of section twenty-seven of the National Defense Act approved June third, nineteen hundred and sixteen,[1] and may transfer thereto from other organizations a number of enlisted men to be selected under such rules and regulations as he may prescribe who do desire such instruction and training or may receive recruits thereto sufficient to bring the enlisted strength of the regiment up to that authorized by law. *Id.*

1293e. *Same—Hours of educational and vocational training.*—During such part of the year beginning July first, nineteen hundred and seventeen, and thereafter as the enlisted men of the regiment so selected shall not be engaged on field service or in field training they shall be under training or instruction nine hours of each day, or as near that number of hours as possible, Sundays and holidays excepted, at least three hours of each day to be devoted to military training and six hours of each day, or as nearly that as possible, to educational and vocational training and instruction such as is contemplated by the concluding paragraph of section twenty-seven of the National Defense Act. *Id., 60.*

[1] See paragraphs 1293a, 1293b, ante.

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Funds allotted available for purchase of horses for Field Artillery and Cavalry	1364i
Same—Number to be issued to battery or troop, or issuance of condemned Army horses in lieu of purchase	1364j
Same—Forage, bedding, shoeing, and care of, etc	1364k
Same—Not to exceed five enlisted men for each battery or troop to be detailed for care of	1364l
Horses for Field Artillery, Cavalry, and other mounted units of National Guard	1364m
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Stores, supplies, and material of war purchased by States and Territories may, in time of war, be requisitioned by United States	1366a
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(For the provisions of this section preceding this paragraph see paragraphs 1325e, 1325f, 1325g, and 1325h; see, also, paragraphs 1376 and 1377.)

1322a. *Composition of.*—The militia of the United States shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, who shall be more than eighteen years of age and, except as hereinafter provided, not more than forty-five years of age, and said militia shall be divided into three classes, the National Guard, the Naval Militia, and the Unorganized Militia. *Sec. 57, id. 197.*

1322b. *Composition of the National Guard.*—The National Guard shall consist of the regularly enlisted militia between the ages of eighteen and forty-five years organized, armed, and equipped as here-

inbefore provided, in lieu of all other compensation for the time being. *Id.*

1293l. *Same—Suspension of compensation on failure to take course or enlist.*—In case of his willful failure properly to follow such course or so to enlist, payment of compensation shall be suspended until such willful failure ceases and no compensation shall be payable for the intervening period. *Id.*

(For the ensuing provision of this act see paragraph 1483kkk, post.)

1294a. *Post offices at military posts.*—Hereafter, at all military posts where post offices have been established, the Secretary of War shall assign proper and suitable room or rooms for post office purposes. *Act of Aug. 1, 1914 (38 Stat. 629).*

ALCOHOLIC LIQUORS.[1]

1295a. *Regulation of sale, etc., in or near military camps or to officers and enlisted men.*—The President of the United States, as Commander in Chief of the Army, is authorized to make such regulations governing the prohibition of alcoholic liquors in or near military camps and to the officers and enlisted men of the Army as he may from time time deem necessary or advisable.[2] *Sec. 12, Act of May 18, 1917 (40 Stat. 82).*

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[1] *Narcotics.*—The act of December 17, 1914, Sections 1–12 (38 Stat. 785–790), provides for the registration of, with collectors of internal revenue, and imposes a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations thereof (cocaine, morphine, heroin, codeine, etc.); makes it unlawful for any person not registered under the provisions of the Act to have in his possession or under his control any of the drugs mentioned above; and imposes a fine of $2,000 or imprisonment for five years, or both, upon conviction, for a violation of the act.

[2] With reference to a recommendation that Tampa, Fla., where certain troops were assembled preliminary to their transfer to a division training camp, be declared a military post in order to require the closing of all saloons during the presence of the soldiers there,

Held, that the term "military camps," as used in the act of May 18, 1917, and the regulations made under authority thereof governing the prohibition of alcoholic liquors "in or near military camps," had reference to camps established for purposes of mobilization, training, embarkation, etc., of troops and were not intended to apply to places of preliminary assembly such as that under consideration. (War Dept. Bull. 54, Sept. 26, 1917.)

Section 12 of the act of May 12, 1917, and the regulations thereunder, prohibiting intoxicating liquors within specified distances of camps, apply to military camps in Porto Rico for the mobilization and training of drafted men. (War Dept. Bull. 67, Nov. 30, 1917.)

There is no authority under section 12 of the draft act and the regulations of the President thereunder for seizure of liquor within the proscribed zones nor for search of premises therein without a search warrant. The regulations are to be enforced through the Department of Justice. Cooperation with the Commissioner of Internal Revenue is advised. (Id.)

The Federal laws and regulations concerning intoxicating liquors and bawdy houses within proscribed limits of camps and concerning the sale of intoxicants to soldiers in uniform should be strictly enforced, and the commanding officers should request local authorities to enforce rigidly and vigorously the local statutes and regulations as to intoxicants and vice and should cooperate with them so far as possible. (Id.)

The word camp as used in the regulations of the President issued under section 12 of the draft act includes not only the space actually occupied by the

right to determine and fix the location of the units and headquarters of the National Guard within their respective borders. *Sec. 68, id. 200.*

1325n. *Same—Units not to be disbanded or reduced below minimum strength without consent of President.*—No organization of the National Guard, members of which shall be entitled to and shall have received compensation under the provisions of this act, shall be disbanded, without the consent of the President, nor, without such consent, shall the commissioned or enlisted strength of any such organization be reduced below the minimum that shall be prescribed therefor by the President. *Id.*

NATIONAL GUARD RESERVE.

1325o. *Composition of.*—Subject to such rules and regulations as the President may prescribe, a National Guard Reserve shall be organized in each State, Territory, and the District of Columbia, and shall consist of such organizations, officers, and enlisted men as the President may prescribe, or members thereof may be assigned as reserves to an active organization of the National Guard.[1] *Sec. 78, id. 202.*

(See par. 13441.)

1325p. *Same—Pay and allowances of, while engaged in training with active National Guard.*—Members of said reserve, when engaged in field or coast-defense training with the active National Guard, shall receive the same Federal pay and allowances as enlisted men of like grade on the active list of said guard when likewise engaged. *Id.*

1325q. *Same—Appropriation for National Guard purposes not available for.*—Except as otherwise specifically provided in this Act, no commissioned or enlisted reservist shall receive any pay or allowances out of any appropriation made by Congress for National Guard purposes. *Id.*

1325r. *Same—Organization of reserve battalions in time of war.*—When members of the National Guard and the enlisted reserve thereof of any State, Territory, or the District of Columbia shall have been brought into the service of the United States in time of war, there shall be immediately organized, either from such enlisted

[1] *Held*, that until an organization thereof is prescribed by the President the National Guard Reserve remains an unorganized force, and that therefore when a soldier passes to that reserve he becomes one of a class of militia which has not been called into the service of the United States, and there is no legal authority for accepting him into the Federal service until his class is called into the service of the United States pursuant to law. (War Dept. Bull. 47, Nov. 16, 1916.)

1295e. *Suppression, etc., of house of ill fame, etc., near military camps, etc.*—The Secretary of War is hereby authorized, empowered, and directed during the present war to do everything by him deemed necessary to suppress and prevent the keeping or setting up of houses of ill fame, brothels, or bawdy houses within such distance as he may deem needful of any military camp, station, fort, post, cantonment, training, or mobilization place. *Sec. 13, id., 83.*

1295f. *Same—Punishment for violation of regulations.*—Any person, corporation, partnership, or association receiving or permitting to be received for immoral purposes any person into any place, structure, or building used for the purpose of lewdness, assignation, or prostitution within such distance of said places as may be designated, or shall permit any such person to remain for immoral purposes in any such place, structure, or building as aforesaid, or who shall violate any order, rule, or regulation issued to carry out the object and purpose of this section shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor and be punished by a fine of not more than $1,000, or imprisonment for not more than twelve months, or both. *Id.*

(The act of October 6, 1917 (40 Stat. 393), provides that in construing the provisions of the above section the words "camp, station, fort, post, cantonment, training, or mobilization place," shall include such places under naval jurisdiction as the President may prescribe, and the powers therein conferred upon the Secretary of War are, by the last-named act, conferred upon the Secretary of the Navy with regard to the naval service.)

1315a. *Trespass upon or injury to mines, torpedoes, fortifications, etc., or violation of regulations as to defensive sea areas.*—Whoever shall willfully trespass upon, injure, or destroy any of the works or property or material of any submarine mine or torpedo or fortification or harbor-defense system owned or constructed or in process of construction by the United States, or shall willfully interfere with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system, or shall knowingly, willfully, or wantonly violate any duly authorized and promulgated order or regulation of the President governing persons or vessels within the limits of defensive sea areas, which defensive sea areas are hereby authorized to be established by order of the President from time to time as may be necessary in his discretion for purposes of national defense, shall be punished on conviction thereof in a district or circuit court of appeals of the United States for the district or circuit in which the offense is committed, or into which the offender is first brought, by a fine of not more than $5,000, or by imprisonment for a term not exceeding five years, or by both, in the discretion of the court. *Act of Mar. 4, 1917 (39 Stat. 1194), amending Sec. 44, Criminal Code (35 Stat. 1097).*

1325v. *President to make necessary rules and regulations for organizing and disciplining.*—The President shall make all necessary rules and regulations and issue such orders as may be necessary for the thorough organization, discipline, and government of the militia provided for in this Act. *Sec. 118, id. 213.*

1327a. *Ancient privileges of certain organizations may be retained.*—Any corps of Artillery, Cavalry, or Infantry existing in any of the States on the passage of the Act of May eighth, seventeen hundred and ninety-two, which by the laws, customs, or usages of said States has been in continuous existence since the passage of said Act, under its provisions and under the provisions of section two hundred and thirty-two and sections sixteen hundred and twenty-five to sixteen hundred and sixty, both inclusive, of title sixteen of the Revised Statutes of eighteen hundred and seventy-three, and the Act of January twenty-first, nineteen hundred and three, relating to the militia, shall be allowed to retain its ancient privileges, subject, nevertheless, to all duties required by law of militia. *Sec. 63, id. 198.*

1327b. *Same—Form a part of National Guard, and shall conform to its organization, etc., in time of war.*—Said organizations may be a part of the National Guard and entitled to all the privileges of this Act, and shall conform in all respects to the organization, discipline, and training of the National Guard in time of war. *Id.*

1327c. *Same—Assignment to higher units for training and when on active duty.*—For purposes of training and when on active duty in the service of the United States they may be assigned to higher units, as the President may direct, and shall be subject to the orders of officers under whom they shall be serving. *Id.*

1328a. *Joint encampments, maneuvers, etc., with Regular Army.*—Under such regulations as the President may prescribe the Secretary of War is authorized to provide for the participation of the whole or any part of the National Guard in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction, either independently or in conjunction with any part of the Regular Army, and there may be set aside from the funds appropriated for that purpose and allotted to any State, Territory, or the District of Columbia, such portion of said funds as may be necessary for the payment, subsistence, transportation, and other proper expenses of such portion of the National Guard of such State, Territory, or the District of Columbia as shall participate in such encampments, maneuvers, or other exercises, including outdoor target practice, for field and coast-defense instruction; and the officers and enlisted men of such National Guard while so engaged shall be entitled to the same pay, subsistence, and transportation as officers and enlisted men of corresponding grades of the Regular Army are or hereafter may be entitled by law. *Sec. 94, id. 206.*

or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof.

* * * * * * *

Third. When committed within or on any lands reserved or acquired for the exclusive use of the United States, and under the exclusive jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dock-yard, or other needful building.

Fourth. On any island, rock, or key, containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States. *Sec. 272, Act of Mar. 4, 1909, Criminal Code (35 Stat. 1142).*

1316b. *Laws of States adopted for punishing wrongful acts, etc.*—Whoever, within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section two hundred and seventy-two of this Act, shall do or omit the doing of any act or thing which is not made penal by any law of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof now in force would be penal, shall be deemed guilty of a like offense and be subject to a like punishment; and every such State, Territorial, or District law shall, for the purposes of this section, continue in force, notwithstanding any subsequent repeal or amendment thereof by any such State, Territory, or District. *Sec. 289, id., 1145.*

ESPIONAGE.

1317¼a. *National defenses—Penalty for unlawfully obtaining information as to, etc.*—Whoever, for the purpose of obtaining information respecting the national defenses with intent or reason to believe that the information to be obtained is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, or other place connected with the national defense, owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments

independently or in conjunction with any part of the Regular Army, and there may be set aside from the funds apportioned for that purpose and allotted to any State, Territory, or the District of Columbia such portion of said funds as may be necessary for the payment, subsistence, transportation, and other proper expenses of such portion of the National Guard of said State, Territory, or the District of Columbia as shall participate in such encampments, maneuvers, or other exercises, including outdoor target practice and field and coast defense instruction; and the officers and enlisted men of such National Guard while so engaged shall be entitled to the same pay, subsistence, and transportation as officers and enlisted men of corresponding grades of the Regular Army are or hereafter may be entitled to by law. *Act of May 12, 1917 (40 Stat. 66).*

1328e. *Reduced rates of transportation for members of National Guard attending joint maneuvers.*—Hereafter nothing in the Act of February fourth, eighteen hundred and eighty-seven,[1] known as the Act to regulate commerce, or any amendments thereto, shall be construed to prohibit any common carrier from giving reduced rates for members of National Guard organizations traveling to and from joint encampments with the Regular Army. *Act of Aug. 29, 1916 (39 Stat. 646).*

1328f. *Joint encampments with Regular Army may be held by militia when impracticable to obtain presence of regular troops.*—For paying the expenses of the Organized Militia or National Guard of any State, Territory, or of the District of Columbia, which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instruction of the troops of the Regular Army, as provided by sections fifteen and twenty-one of the Act of January twenty-first, nineteen hundred and three, entitled "An Act to promote the efficiency of the militia, and for other purposes," as amended, or as may hereafter be authorized by law, to be immediately available and to remain available until the end of the fiscal year nineteen hundred and seventeen, $200,000 is hereby appropriated: *Provided*, That when it is not practicable to obtain the presence of regular troops for a joint encampment, the funds herein appropriated shall be available for such encampments, maneuvers, and field instruction for the Organized Militia or National Guard as the Secretary of War may prescribe. *Act of June 12, 1916 (39 Stat. 226).*

1330a. *Pay for participation in encampments, maneuvers, etc., beginning of.*—When any portion of the National Guard shall participate in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction, under

[1] 24 Stat., 379.

sentative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years. *Sec. 2, id., 218.*

1317¼c. *Same—Punishment for communicating, collecting, etc., information in time of war.*—Whoever shall violate the provisions of subsection (a) of this section in time of war shall be punished by death or by imprisonment for not more than thirty years; and (b) whoever, in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for not more than thirty years. *Id.*

1317¼d. *Same—Making, etc., false reports, etc., with intent to interfere with operations of military forces while at war; causing, etc., insubordination, disloyalty, mutiny, etc.; obstructing recruiting or enlistment; punishment.*—Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty,[1] mutiny,

[1] In all cases where officers and soldiers in the Army of the United States demonstrate by their conduct or speech disloyalty to the Government of the United States and sympathy with its enemies the following general policy is recommended.

(*a*) In the case of any officer or soldier who has by his speech or conduct demonstrated an attitude or committed an act of disloyalty, it is recommended that he be brought to trial by a general court-martial as promptly as possible whenever the necessary data can be obtained as a basis for charges.

(*b*) If suitable data for such charges can not be obtained, it is recommended that a suspected officer be dismissed or discharged, under the authority of the particular statute which may apply in his case, and that a suspected enlisted man be discharged from the service.

(*c*) If any such officer so dismissed or discharged, or any such enlisted man so discharged, from the service be found to be an alien enemy of the United States, it is recommended that he be promptly interned for the period of the war, and if he be a citizen of the United States, or an alien, not an alien enemy, that he be promptly reported to the civil authorities for surveillance and for such action as may be found possible to take against him under the authority of existing law or of any statute hereafter enacted by Congress. (Dig. Opin. J. A. G., January, 1918.)

1330c. *Same—Secretary of War to prescribe regulations as to amount and character of service to be rendered to entitle to maximum pay.*—Regulations to be prescribed by the Secretary of War shall determine the amount and character of service that must be rendered by officers to entitle them to the whole or specific parts of the maximum pay hereinbefore authorized. *Id.*

1330d. *Same—Pay of staff officers, aids-de-camp, chaplains, etc.*—All staff officers, aids-de-camp, and chaplains shall receive not to exceed one-half of the pay of a captain, except that regimental adjutants, and majors and captains in command of machine-gun companies, ambulance companies, field hospital companies, or sanitary troops shall receive the pay hereinbefore authorized for a captain. *Id.*

1330e. *Pay of enlisted men on active list.*—Each enlisted man on the active list belonging to an organization of the National Guard of a State, Territory, or the District of Columbia, participating in the apportionment of the annual appropriation for the support of the National Guard, shall receive compensation for his services, except during periods of service for which he may become lawfully entitled to the same pay as an enlisted man of corresponding grade in the Regular Army, at a rate equal to twenty-five per centum of the initial pay now provided by law for enlisted men of corresponding grades of the Regular Army. *Sec. 110, id.*

1330f. *Same—Full compensation only in case of attendance upon maximum number of drills annually.*—Such enlisted man shall receive the compensation herein provided if he shall have attended not less than forty-eight regular drills during any one year, and a proportionate amount for attendance upon a lesser number of such drills, not less than twenty-four; and no such enlisted man shall receive any part of said compensation except as authorized by this proviso and the three provisos next following. *Id. 210.*

1330g. *Same—Compensation computed semiannually beginning the first day of January and July of each year.*—The compensation provided herein shall be computed for semiannual periods, beginning the first day of January and the first day of July of each year, in proportion to the number of drills attended; and no compensation shall be paid to any enlisted man for the first semiannual period of any year unless he shall have attended during said period at least twenty-four drills, but any lesser number of drills attended during said period shall be reckoned with the drills attended during the second semiannual period in computing the compensation, if any, due him for that year. *Id.*

1330h. *Same—Compensation for portion of semiannual period on enlistment or expiration during.*—When any man enters into an enlistment other than an immediate reenlistment he shall be entitled

to proportional compensation for that year if during the remainder of the year he shall attend a number of drills whose ratio to twenty-four is not less than the ratio of the part of the year so served to the whole year; and when any man's enlistment shall expire the compensation, if any, to which he may be entitled shall be determined in like manner. *Id.*

1330i. *Same—Acceptance of equivalent periods of military duty in lieu of drills.*—Periods of any actual military duty equivalent to the drills herein prescribed (except those periods of service for which members of the National Guard may become lawfully entitled to the same pay as officers and enlisted men of the corresponding grades in the Regular Army) may be accepted as service in lieu of such drills when so provided by the Secretary of War. *Id.*

1330j. *Same—Disbursements to be made by officers of Quartermaster Corps.*—All amounts appropriated for the purpose of this and the last preceding section shall be disbursed and accounted for by the officers and agents of the Quartermaster Corps of the Army, and all disbursements under the foregoing provisions of this section shall be made as soon as practicable after the thirty-first day of December and the thirtieth day of June of each year upon pay rolls prepared and authenticated in the manner to be prescribed by the Secretary of War. *Id.*

(See paragraph 1329, ante.)

1330k. *Same—Stoppages to cover cost of public property lost or destroyed by officers or enlisted men.*—Stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by and chargeable to such officer or enlisted man. *Id.*

1330l. *Same—Withholding payment for failure to comply with law as to age limit, staff organization, appointment of officers to fill vacancies, etc.*—Except as otherwise specifically provided herein, no money appropriated under the provisions of this or the last preceding section shall be paid to any person not on the active list, nor to any person over sixty-four years of age, nor to any person who shall fail to qualify as to fitness for military service under such regulations as the Secretary of War shall prescribe, nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the Pay, Inspection, Subsistence, and Medical Departments, hereafter appointed, shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that

purpose, and that vacancies among said officers shall be filled by appointment from the officers of the militia of such State, Territory, or District. *Id.*

1330m. *Same—Time limit within which such withholding becomes operative in any State or Territory.*—The preceding proviso shall not apply to any State, Territory, or District until sixty days next after the adjournment of the next session of its legislature held after the approval of this Act. *Id., 211.*

1331a. *Leaves of absence for Government employees.*—All officers and employees of the United States and of the District of Columbia who are members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay or time, on all days of any parade or encampment ordered or authorized under the provisions of this Act. *Sec. 49, Act of Mar. 1, 1889 (25 Stat. 779).*

1331b. *Leaves of absence for Government employees while engaged in training.*—All officers and employees of the United States and of the District of Columbia who shall be members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be engaged in field or coast-defense training ordered or authorized under the provisions of this Act. *Sec. 80, Act of June 3, 1916 (39 Stat. 203).*

1331c. *Discipline, including training, to conform to system prescribed for Regular Army.*—The discipline (which includes training) of the National Guard shall conform to the system which is nor or may hereafter be prescribed for the Regular Army, and the training shall be carried out by the several States, Territories, and the District of Columbia so as to conform to the provisions of this Act. *Sec. 91, id. 206.*

1331d. *Same—Drill, instructions, and training, character and amount required annually.*—Each company, troop, battery, and detachment in the National Guard shall assemble for drill and instruction, including indoor target practice, not less than forty-eight times each year, and shall, in addition thereto, participate in encampments, maneuvers, or other exercises, including outdoor target practice, at least fifteen days in training each year, including target practice, unless such company, troop, battery, or detachment shall have been excused from participation in any part thereof by the Secretary of War. *Sec. 92, id.*

1331e. *Same—Credit for assembly drill or indoor target practice, duration of and minimum number to participate in, etc.*—Credit for an assembly for drill or for indoor target practice shall not be given unless the number of officers and enlisted men present for duty at such assembly shall equal or exceed a minimum to be prescribed by

CHAPTER XXXI.

THE MILITIA—TERRITORIAL AND DISTRICT MILITIA.

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1331h. *Transportation of teams to participate in national matches, selection of and allotment for.*—For the payment of transportation of terms authorized by the Secretary of War to participate in the national matches, $60,000: *Provided*, That this amount shall be proportioned among the several States, Territories, and the District of Columbia according to the distance from the seat of government to the place where the national matches are to be held: *And provided further*, That the governors of the States or Territories or the Board of Commissioners of the District of Columbia may designate which team or teams shall attend from their respective States, Territories, or District of Columbia. *Act of Aug. 29, 1916 (39 Stat. 648)*.

1332a. *Detail of sergeants with the National Guard and with disciplinary organizations at United States Disciplinary Barracks.*—For the purpose of assisting in the instruction of the personnel and care of property in the hands of the National Guard the Secretary of War is authorized to detail from the Infantry, Cavalry, Field Artillery, Corps of Engineers, Coast Artillery Corps, Medical Department, and Signal Corps of the Regular Army not to exceed one thousand sergeants for duty with corresponding organizations of the National Guard and not to exceed one hundred sergeants for duty with the disciplinary organizations at the United States Disciplinary Barracks, who shall be additional to the sergeants authorized by this Act for the corps, companies, troops, batteries, and detachments from which they may be detailed.[1] *Sec. 36, Act of June 3, 1916 (39 Stat. 189)*.

(See paragraph 480a, ante, for prior authorization for detail of officers, noncommissioned officers, etc., at the United States Disciplinary Barracks. For composition of the enlisted force of the Medical Department, the Corps of Engineers, Signal Corps, troop of Cavalry, Coast Artillery Corps, gun or howitzer battery of Field Artillery, and company of Infantry, see paragraphs 756a, 784a, 890a, 1074a, 1086a, and 1095b, respectively.)

1332b. *Detail of officers and enlisted men of Regular Army to duty with; officers may accept commissions in without vacating their Regular Army commissions.*—The Secretary of War shall detail officers of the active list of the Army to duty with the National Guard in each State, Territory, or District of Columbia, and officers so

[1] *Held*, that the purpose of the act being to provide for the detail of competent men for the purposes mentioned, the word "sergeants" should be construed in its broader sense so as to include the detail of sergeants, first class, in the few cases where, on account of the technical knowledge required, the instruction of the Signal Corps of the National Guard can be properly given only by such sergeants. (War Dept. Bull. 28, Aug. 18, 1916.)

Held, that the statute only authorizes additional sergeants, and that while it may be advisable and permissible at times to detail sergeants, first class, to duty as instructors (Bull. 28, W. D., 1916, p. 9), such an assignment can not operate to increase the authorized number of sergeants, first class, which is fixed by law. (War Dept. Bull. 3, Jan. 19, 1917.)

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of February second, nineteen hundred and one, and acts amendatory thereof,[1] temporary vacancies that can not be filled by temporary promotions as hereinbefore prescribed shall be filled by temporary details in the manner prescribed in said sections twenty-six and twenty-seven, and acts amendatory thereof, and the resulting temporary vacancies in the branches of the Army from which the details shall be so made shall be filled as hereinbefore in this section prescribed. *Id. 212.*

1332e. *Same—Temporary appointments and promotions to be made by the President and confirmed by the Senate.*—Officers temporarily promoted or appointed under the terms of this section shall be promoted or appointed by the President, by and with the advice and consent of the Senate, for terms that shall not extend beyond the war or the passing of the emergency for which additional forces were brought into the military service of the United States, and at the termination of the war or the passing of the emergency said officers shall be discharged from the positions held by them under their temporary commissions or appointments, and officers detailed as herein authorized shall be relieved from their temporary details. *Id.*

1332f. *Same—Officers temporarily promoted not to vacate their permanent commissions, etc.*—Officers temporarily promoted under the provisions of this section shall not vacate their permanent commissions nor be prejudiced in their relative or lineal standing in the Regular Army. *Id.*

1333a. *Inspector-instructors to use State armories for offices.*—Whenever practicable inspector-instructors shall use the State armories for offices. *Act of Aug. 29, 1916 (39 Stat. 647).*

(Similar provision in act of May 12, 1917. 40 Stat. 68.)

1333b. *Inspector-instructors limited to actual expenses when traveling.*—Travel of inspector-instructors in making visits of instruction to armories, * * * : *Provided*, That said inspector-instructors traveling shall not receive more than their actual expense out of these appropriations. *Id., 646.*

(Similar provision in act of May 12, 1917. 40 Stat. 68.)

1334a. *Officers and enlisted men attending United States military schools.*—Under such regulations as the President may prescribe, the Secretary of War may, upon the recommendation of the governor of any State or Territory or the commanding general of the National Guard of the District of Columbia, authorize a limited number of selected officers or enlisted men of the National Guard to attend and pursue a regular course of study at any military service school of the United States, except the United States Military Academy; or to be attached to an organization of the same arm, corps, or department to

[1] See paragraphs 373–385, ante.

which such officer or enlisted man shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises; and such officer or enlisted man shall receive, out of any National Guard allotment of funds available for the purpose, the same travel allowances and quarters, or commutation of quarters, and the same pay, allowances, and subsistence to which an officer or enlisted man of the Regular Army would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority, while in actual attendance at such school, college, or practical course of instruction. *Sec. 99, act of June 3, 1916 (39 Stat. 207).*

1334b. *Same—Pay and allowances in no case to exceed those of a captain.*—In no case shall the pay and allowances authorized by this section exceed those of a captain. *Id.*

1334c. *Appropriation for officers and enlisted men of National Guard attending Army service schools, etc.*—To provide for the attendance of selected officers or enlisted men of the National Guard who pursue a regular course of study at any military service school of the United States except the United States Military Academy, or to be attached to an organization of the same arm, corps, or department, to which such officers or enlisted men shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises; and such officer or enlisted men shall receive out of any National Guard allotment of funds available for the purpose, the same travel allowances and quarters or commutation of quarters, and the same pay, allowance, and subsistence to which officers or enlisted men of the Regular Army would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority while in actual attendance at such school, college, or practical course of instruction, $50,000: *Provided*, That in no case shall the pay and allowances authorized herein exceed those of a captain. *Act of Aug. 29, 1916 (39 Stat. 646).*

1334d. *Same.*—To provide for the attendance of selected officers or enlisted men of the National Guard who pursue a regular course of study at any military service school of the United States except the United States Military Academy; or to be attached to an organization of the same arm, corps, or department to which such officers or enlisted men shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises; and such officers or enlisted men shall receive out of any National Guard allotment of funds available for the purpose, the same travel allowances and quarters or commutation of quarters, and the same pay, allowance, and subsistence to which officers or enlisted men of the Regular Army would be entitled for attending such

school, college, or practical course of instruction under orders from proper military authority while in actual attendance at such school, college, or practical course of instruction: *Provided*, That in no case shall the pay and allowances authorized herein exceed those of a captain. *Act of May 12, 1917 (40 Stat. 67).*

1335a. *Adjutants general of States, duties of.*—The adjutants general of the States, Territories, and the District of Columbia and the officers of the National Guard shall make such returns and reports to the Secretary of War, or to such officers as he may designate, at such times and in such form as the Secretary of War may from time to time prescribe.[1] *Sec. 66, Act of June 3, 1916 (39 Stat. 199).*

1335b. *Adjutants general of Territories and District of Columbia, appointment of.*—The adjutants general of the Territories and of the District of Columbia shall be appointed by the President with such rank and qualifications as he may prescribe, and each adjutant general for a Territory shall be a citizen of the Territory for which he is appointed.[2] *Id.*

(See paragraphs 1374, 1377, and 1378.)

1337a. *National Militia Board abolished; Militia Division changed to Militia Bureau.*—The National Militia Board created by section eleven of the Act of May twenty-seventh, nineteen hundred and eight,[2] amending section twenty of the Act of January twenty-first, nineteen hundred and three, shall, from the date of the approval of this Act, be abolished. The Militia Division now existing in the War Department shall hereafter be known as the Militia Bureau of said department, shall, like other bureaus of said department, be under the immediate supervision of the Secretary of War, and shall not form a part of any other bureau, office, or other organization, but the Chief of the Militia Bureau[3] shall be ex officio a member of the General Staff Corps. *Sec. 81, id. 203.*

1337b. *Two officers of National Guard may be assigned to duty as assistants to chief of Militia Bureau; rank and pay of.*—The President may, in his discretion, assign to duty in the Militia Bureau as assistants to the chief thereof not to exceed one colonel and one lieutenant colonel of the National Guard, for terms of four years, and any such officer while so assigned shall, subject to such regulations as the President may prescribe, receive out of the whole fund appropriated for the support of the militia the pay and allowances of a

[1] *Held*, that in providing for the organization of the National Guard as a Federal force Congress has recognized the duties of the several States, and has required or relied upon their cooperation; that the adjutant general is an official whom the act contemplates the State will provide and maintain in the performance of its duties; and that it recognizes the adjutant general of a State as a State official only and not as an officer of the National Guard. (War Dept. Bull. 18, July 8, 1916.)

[2] See paragraphs 1337 and 1338, ante, or 35 Stat. 402.

[3] For provision in section 3, act of October 6, 1917, giving the Chief of the Militia Bureau the rank, pay, and allowances of major general, see paragraph 273a.

Regular Army officer having the same rank and length of service as said National Guard officer, whose prior service in the Organized Militia shall be counted in ascertaining his rights under this proviso. *Id.*

USE OF ARMED LAND FORCES OF UNITED STATES.

1339a. *Drafted into service of United States.*—When Congress shall have authorized the use of the armed land forces of the United States, for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination, as he may perscribe, draft into the military service of the United States, to serve therein for the period of the war unless sooner discharged, any or all members of the National Guard and of the National Guard Reserve.[1] *Sec. 111, id. 211.*

1339b. *Same—Organization of; subject to rules and Articles of War; discharged from militia.*—All persons so drafted shall, from the date of their draft, stand discharged from the militia,[2] and shall

[1] It is, therefore, clear that the President, in exercising the power of draft, is not required to draft the National Guard as a whole, but may draft a part thereof, in his discretion. He could, therefore, utilize the remainder of the National Guard as a part of a Volunteer Army in the manner prescribed in sec. 3 of the Volunteer Army Act. It may be here observed, however, that enlistment in the Volunteer Army is a voluntary matter, and the President can not compel the National Guard organization to enter the same. (War Dept. Bull. 18, July 8, 1916.)

The War Department is under no necessity to preserve the integrity of the National Guard units drafted into the Federal service. The National Guard element of the Army of the United States is not to be distinguished from any other composite element thereof, and, with certain exceptions as to certain officers, all members of the Army of the United States are upon the same plane, under the same legal obligation and have the same legal duties. During the war there is but one Army—the Army of the United States—and every organization, bureau officer, and man in the military service is a part of it. Accordingly, members of the Army of the United States drafted therein from Coast Artillery organizations of the National Guard have no more legal connection with the Coast Artillery than with any other branch of the service and they may be assigned to any branch of the service and organized and officered as the President sees fit. (Dig. Opin. J. A. G., January, 1918.)

[2] The provisions of section 72 of the national defense act of June 3, 1916 (39 Stat. 201), that an enlisted man discharged from the service of the National Guard shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, does not require that individual certificates of discharge should be given by the proper State officers to members of the National Guard drafted into the service of the United States under the provisions of section 111 of said national defense act. The latter section provides that all persons so drafted into the Federal service shall from the date of their draft stand discharged from the militia and shall from said date be subject to such laws and regulations for the government of the Army of the United States, as may be applicable to members of the Volunteer Army. This provision does not discharge the members of the National Guard from military service but serves to divert them automatically of their militia status and to absorb them into the service of the United States. When mustered out of the Federal service they revert to their former status in the militia of the several States from which they were by the draft called into the Federal service, subject to the qualification that the time spent in the service of the United States will count upon their enlistment or terms of commission. It follows therefore that it is neither necessary nor proper that individual certificates of discharge provided for by section 72 should be issued to members of the militia when their organizatons are drafted into the Federal service. (Dig. Opin. J. A. G., January, 1918.

of February second, nineteen hundred and one, and acts amendatory thereof,[1] temporary vacancies that can not be filled by temporary promotions as hereinbefore prescribed shall be filled by temporary details in the manner prescribed in said sections twenty-six and twenty-seven, and acts amendatory thereof, and the resulting temporary vacancies in the branches of the Army from which the details shall be so made shall be filled as hereinbefore in this section prescribed. *Id. 212.*

1332e. *Same—Temporary appointments and promotions to be made by the President and confirmed by the Senate.*—Officers temporarily promoted or appointed under the terms of this section shall be promoted or appointed by the President, by and with the advice and consent of the Senate, for terms that shall not extend beyond the war or the passing of the emergency for which additional forces were brought into the military service of the United States, and at the termination of the war or the passing of the emergency said officers shall be discharged from the positions held by them under their temporary commissions or appointments, and officers detailed as herein authorized shall be relieved from their temporary details. *Id.*

1332f. *Same—Officers temporarily promoted not to vacate their permanent commissions, etc.*—Officers temporarily promoted under the provisions of this section shall not vacate their permanent commissions nor be prejudiced in their relative or lineal standing in the Regular Army. *Id.*

1333a. *Inspector-instructors to use State armories for offices.*—Whenever practicable inspector-instructors shall use the State armories for offices. *Act of Aug. 29, 1916 (39 Stat. 647).*

(Similar provision in act of May 12, 1917. 40 Stat. 68.)

1333b. *Inspector-instructors limited to actual expenses when traveling.*—Travel of inspector-instructors in making visits of instruction to armories, * * * : *Provided*, That said inspector-instructors traveling shall not receive more than their actual expense out of these appropriations. *Id., 646.*

(Similar provision in act of May 12, 1917. 40 Stat. 68.)

1334a. *Officers and enlisted men attending United States military schools.*—Under such regulations as the President may prescribe, the Secretary of War may, upon the recommendation of the governor of any State or Territory or the commanding general of the National Guard of the District of Columbia, authorize a limited number of selected officers or enlisted men of the National Guard to attend and pursue a regular course of study at any military service school of the United States, except the United States Military Academy; or to be attached to an organization of the same arm, corps, or department to

[1] See paragraphs 373–385, ante.

authorized by the Secretary of War. And the President may prescribe the particular unit or units, as to branch or arm of service, to be maintained in each State, Territory, or the District of Columbia in order to secure a force which, when combined, shall form complete higher tactical units.[1] *Sec. 60, id.*

See paragraph 1826.)

1325a½. *Organization of Staff Corps and Departments to correspond to those of Regular Army.*—The National Guard of any State, Territory, or the District of Columbia, shall include such officers and

[1] *Held*, that while the Aviation Section of the Signal Corps, provided for in section 16 of the national-defense act, is prescribed for the Regular Army only, and officers and enlisted men of the National Guard are not eligible for detail to fill places therein, and while there is no corresponding Signal Corps or Aviation Section prescribed for the National Guard, there may be Aviation Squadrons, or unit parts thereof, in the National Guard of the several States as component parts of the "complete higher tactical units" contemplated by section 60, *idem*, and the officers and enlisted men therein will, when duly qualified, be entitled while in the actual service of the United States, or while attending encampments or maneuvers ordered by the Secretary of War, to the same pay and allowances as officers and enlisted men of corresponding grades of the Regular Army receive, including increase of pay while on duty requiring them to participate regularly and frequently in aerial flights.

Held, that the conformity of organization of the National Guard to the Regular Army required by the statute does not relate to the qualifications of officers for appointment or promotion; that the matter of appointment or promotion in the National Guard rests primarily with the governor of the State, subject to the rules prescribed in section 74 of the national-defense act relating to the classes of persons from which National Guard officers shall be appointed, and in section 75 relating to examinations to determine qualifications, and that, therefore, an original appointment to the grade of major may, subject to the restrictions mentioned, be made by the governor without regard to the previous service of the appointee; but that inasmuch as the office of captain in the Medical Corps has no existence independent of the person qualified by a period of service to fill it, appointees to that grade in the Medical Corps of the National Guard must have served as first lieutenants for the period fixed by law. (War Dept. Bull. 34, Sept. 12, 1916.)

Request was made on behalf of medical officers of the National Guard in the service of the United States that the Secretary of War, under his power to authorize general exceptions, permit them to hold the office of captain and to receive the pay of that office, irrespective of their length of service as medical officers of the National Guard.

Held, that the word "exception" in section 60 is used in the sense of "exclusion," that it does not include "substitution," that the statute authorizes modification only by way of exclusion, and that the request could not, therefore, be granted. (War Dept. Bull. 9, Feb. 2, 1917.)

Request was made on behalf of a number of medical officers of the National Guard in Federal service who had been denied the pay of captain, on the ground that they had not had the required number of years of service, that the Secretary of War, under his power given by the foregoing statutes to make "general exceptions," authorize them to be recognized as captains and to receive the pay of that grade.

Held, that the term "exception," in section 60, is used in the sense of exclusion, that it does not include substitution, that the Secretary of War could only authorize modification by way of exclusion, and that the request could not, therefore, be granted. (War Dept. Bull. 15, Mar. 24, 1917.)

In the case of a company of Engineers, National Guard, in the Federal service, there were four men included as wagoners, and the question was presented in connection with their payment whether wagoners are authorized for separate companies of Engineers, National Guard.

of war is disabled by reason of wounds or disability received or incurred while in the active service of the United States in time of war, he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer or enlisted man dies in the active service of the United States in time of war or in returning to his place of residence after being mustered out of such service, or at any other time in consequence of wounds or disabilities received in such active service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.[1] *Sec. 112, id.*

(See paragraphs 1348 and 1339j.)

1339f. *Physical examination of officers and enlisted men on being called into service of United States.*—Every officer and enlisted man of the National Guard who shall be called into the service of the United States as such shall be examined as to his physical fitness under such regulations as the President may prescribe without further commission or enlistment.[2] *Sec. 115, id. 212.*

1339g. *Same—Physical examination prior to muster out.*—Immediately preceding the muster out of an officer or enlisted man called into the active service of the United States he shall be physically examined under rules prescribed by the President of the United States, and the record thereof shall be filed and kept in the War Department. *Id.*

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[1] Under section 112 of the national-defense act of June 3, 1916, officers of the National Guard drafted into the service of the United States are entitled to the benefits of the pension laws. By section 2 of the selective-draft act of May 18, 1917, the laws and regulations governing the Regular Army, except as to promotions, apply to such officers so drafted in so far as such laws and regulations are applicable to persons whose permanent retention in the military service is not contemplated by existing law. It is not contemplated that officers drafted into the service are to be permanently retained therein. Therefore the laws governing retirement do not apply to them, but the pension laws do apply. (War Dept. Bull. 75, Dec. 31, 1917.)

[2] *Held* as follows: Under the national-defense act the National Guard occupies a dual statue, i. e., as a national force and also as a State force, and no officer or enlisted man can remain a member unless he is physically qualified for Federal service. Congress has prescribed the qualifications for commission or enlistment in the National Guard and has asserted, on behalf of the United States, the authority to prescribe the conditions under which enlistments and discharges in and from the National Guard shall be made. Section 72 of the national-defense act restricts discharges in time of peace, so that no discharge may be given in time of peace "prior to the expiration of terms of enlistment," except "under such regulations as the President may prescribe." Section 115 provides for a medical examination to determine the physical condition of the officers and enlisted men when called into the service of the United States, and it appears clear that an officer or enlisted man, upon being examined as required in that section and found physically defective, must be discharged not only from the operation of the call into the Federal service, but also from the National Guard. In the case of an enlisted man the discharge, when ordered, should be effected by a discharge in writing, signed by the proper National Guard commander, under the provisions of section 72 of the national-defense act, and should be so worded as to show that it is a discharge not only from the operation of the Federal call, but also from the National Guard. With respect to a commissioned officer, a discharge should be ordered by the President and should purport to be a discharge from the National Guard. (War Dept. Bull. 28, Aug. 18, 1916.)

1339h. *Congress declares emergency to exist and authorizes drafting of the National Guard, the Organized Militia, and Organized Militia Reserves.*—In the opinion of the Congress of the United States an emergency now exists which demands the use of troops in addition to the Regular Army of the United States, and that the President be, and he is hereby, authorized to draft into the military service of the United States, under the provisions of section one hundred and eleven of the national defense Act approved June third, nineteen hundred and sixteen, so far as the provisions of said section may be applicable and not inconsistent with the terms hereof, any or all members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and any and all members of the National Guard and Organized Militia Reserves, to serve for the period of the emergency, not exceeding three years, unless sooner discharged. *Sec. 1, Joint Resolution of July 1, 1916 (39 Stat. 339).*

1339i. *Same—Persons so drafted to stand discharged from militia during period of their service.*—All persons so drafted shall, from the date of their draft, stand discharged from the militia during the period of their service under said draft. *Id. 340.*

1339j. *Same—Pensions.*—The provisions of section one hundred and twelve of the national defense Act of June third, nineteen hundred and sixteen, shall be applicable to any officer or enlisted man drafted into the service of the United States pursuant to the provisions of this joint resolution.[1] *Sec. 2, id.*

1339k. *Same—Organization of drafted units and appointment of officers for same.*—When organizations the members of which are drafted under the provisions of this resolution do not constitute complete tactical units the President may, by combining such organizations, organize battalions, regiments, brigades, and divisions, and may appoint officers for such units from the Regular Army, from the members of such organizations, from those duly qualified and registered pursuant to section twenty-three of the Act of Congress approved January twenty-first, nineteen hundred and three,[2] or members of the Officers' Reserve Corps as provided in section thirty-eight of the national defense Act of June third, nineteen hundred and sixteen, officers with rank not above that of colonel to be appointed by the President alone and all other officers to be appointed by the President, by and with the advice and consent of the Senate. *Sec. 3, id.*

1339l. *Same—Vacancies in Regular Army caused by appointment of officers to positions in drafted forces, filling of.*—Vacancies incident to the appointment of officers of the Regular Army to the posi-

[1] See par. 1339e, ante.

[2] See footnote to paragraph 1388, ante, for law authorizing list of eligibles for commissions.

from said date be subject to such laws and regulations for the government of the Army of the United States as may be applicable to members of the Volunteer Army, and shall be embodied in organizations corresponding as far as practicable to those of the Regular Army or shall be otherwise assigned as the President may direct. *Id.*

1339c. *Same—Appointment of commissioned officers.*—The commissioned officers[1] of said organizations shall be appointed from among the members thereof, officers with rank not above that of colonel to be appointed by the President alone, and all other officers to be appointed by the President by and with the advice and consent of the Senate. *Id.*

1339d. *Same—Pay and allowances of officers and enlisted men.*—Officers and enlisted men in the service of the United States under the terms of this section shall have the same pay and allowances as officers and enlisted men of the Regular Army of the same grades and the same prior service.[2] *Id.*

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[1] See note to paragraph 329a for distinction between commissioned officers of the National Guard drafted into Federal service and commissioned officers of the Regular Army, etc.

[2] The governor of a State, referring to the opinion of the Judge Advocate General dated November 4, 1916 (Bul. 53, S. D., 1916), with reference to charging the clothing in the possession of the militia on their muster into the Federal service against the initial allowance of the men, submitted the following questions:

(*a*) Whether the interpretation of the law as given in the said opinion is not in violation of paragraph 460, Army Regulations?

(*b*) Whether it does not have the effect of requiring the full price of clothing issued to the State and brought with the National Guard or Organized Militia into the Federal service to be charged against the initial allowance of the enlisted men?

Held, with reference to (*a*), that the requirement as stated in the said opinion of the Judge Advocate General is contrary to the terms of the regulation, but that the law requires that the militia while in the Federal service shall receive the same pay and allowances as Regular troops, and as Regular troops are charged with the clothing supplied to them on enlistment, it follows that the clothing with which the militia is supplied when entering the Federal service, the clothing having been furnished by the Government, must be charged to them; that the requirement of the regulation, being inconsistent with the law, must give way to the law.

Held, with respect to (*b*), that the opinion of this office under consideration does not require the clothing to be charged at the full issue price of the same, but that if the clothing is worn it should be charged at a reduced price fixed by a surveying officer in view of its condition at the time. (War Dept. Bull. 15, Mar. 24, 1917.)

The question was presented for decision whether enlisted men of the Organized Militia or National Guard when brought into the service of the United States under the militia act of 1903, as amended, or when drafted into the Federal service under section 111 of the act of June 3, 1916, are entitled to receive additional pay for qualifications as first or second class gunners attained prior to their being brought into the service of the United States.

Held, that inasmuch as the requirements for qualifications as gunners are the same for the enlisted men in the militia or National Guard as for the enlisted men of the Regular Army, and as the laws relating to pay give the militia, when brought into the service of the United States, the same pay and allowances as are or may be provided by law for the Regular Army, they are entitled to the additional pay as gunners under their qualifications attained prior to their being brought into the Federal service, subject to the conditions imposed by paragraph 1344, Army Regulations, 1913. (Comp. Treas., July 21, 1916, War Dept. Bull. June 8, 1917.)

In the case of certain members of the Officers' Reserve Corps and officers

reserve or from the unorganized militia, in such State, Territory, or District, one reserve battalion for each regiment of Infantry or Cavalry, or each nine batteries of Field Artillery, or each twelve companies of Coast Artillery, brought into the service of the United States, and such reserve battalion shall constitute the fourth battalion of any such regiment or twelve companies of Coast Artillery. Reserve battalions shall consist of four companies of such strength as may be prescribed by the President of the United States. *Sec. 79, id.*

1325s. *Same—Organization of provisional regiments and higher units.*—When the members of three or more regiments of the National Guard of any State, Territory, or District shall have been brought into the service of the United States, the reserve battalions of such regiments may be organized into provisional regiments and higher units. *Id.*

1325t. *Same—Drafting unorganized militia into service of United States to maintain reserve battalions at proper strength.*—If for any reason there shall not be enough voluntary enlistments to keep the reserve battalions at the prescribed strength, a sufficient number of the unorganized militia shall be drafted into the service of the United States to maintain each of such battalions at the proper strength. *Id.*

1325u. *Same—Vacancies in organizations in service to be filled from reserve battalions, etc.*—As vacancies occur from death or other causes in any organization in the service of the United States and composed of men taken from the National Guard, men shall be transferred from the reserve battalions to the organizations in the field so that such organizations may be maintained at war strength. Officers for the reserve battalions provided for herein shall be drafted from the National Guard Reserve or Coast Artillery companies of the National Guard or the Officers' Reserve Corps, such officers to be taken, if practicable, from the States, respectively, in which the battalions shall be organized. Officers and noncommissioned officers returned to their home stations because of their inability to perform active field service may be assigned to reserve battalions for duty, and all soldiers invalided home shall be assigned to and carried on the rolls of reserve battalions until returned to duty or until discharged.[1] *Id. 203.*

[1] It being proposed to discharge National Guard reservists with a view to their immediate reenlistment in regiments of the National Guard; *Held*, that, without considering how far the President legally can go in authorizing wholesale discharges from the National Guard Reserve, it is enough to say that the national-defense act contemplates a well-defined function for the National Guard Reserve and its continuance for the performance of that function; that it would defeat the purpose of the law to authorize discharges on the considerations mentioned; and that in the absence of any showing of convenience to the Government such discharges ought not to be authorized. (War Dept. Bull. 26, May 7, 1917.)

COURT-MARTIAL.

1343a. *System of courts-martial for when not in service of United States.*—Except in organizations in the service of the United States, court-martial in the National Guard shall be of three kinds, namely, general courts-martial, special courts-martial, and summary courts-martial. They shall be constituted like, and have cognizance of the same subjects, and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the Army of the United States, and the proceedings of courts-martial of the National Guard shall follow the forms and modes of procedure prescribed for said similar courts. *Sec. 102, id.*

1343b. *Same—Convening authority and jurisdiction of general courts-martial.*—General courts-martial of the National Guard not in the service of the United States may be convened by orders of the President, or of the governors of the respective States and Territories, or by the commanding general of the National Guard of the District of Columbia, and such courts shall have the power to impose fines not exceeding $200; to sentence to forfeiture of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to reduction of noncommissioned officers to the ranks; or any two or more of such punishments may be combined in the sentences imposed by such courts. *Sec. 103, id.*

1343c. *Same—Convening authority and jurisdiction of special courts-martial.*—In the National Guard, not in the service of the United States, the commanding officer of each garrison, fort, post, camp, or other place, brigade, regiment, detached battalion, or other detached command, may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable. Special courts-martial shall have power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such courts shall not exceed $100. *Sec. 104, id.*

1343d. *Same—Convening authority and jurisdiction of summary courts.*—In the National Guard, not in the service of the United States, the commanding officer of each garrison, fort, post, or other place, regiment or corps, detached battalion, company, or other de-

to respond thereto, be subject to the laws and regulations governing the Regular Army;" that their failure to respond renders them punishable under the Articles of War for disobeying the orders of the President for their mobilization, and, if the circumstances evidence an intent to abandon the Federal service, also for desertion; and that they may be charged with either offense, or both, and tried therefor by court-martial. (War Dept. Bull. 34, June 8, 1917.)

tachment of the National Guard may appoint for such place or command a summary court to consist of one officer, who shall have power to administer oaths and to try the enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations; and said court, when satisfied of the guilt of such soldier, may impose fines not exceeding $25 for any single offense; may sentence noncommissioned officer to reduction to the ranks; may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal, and the minutes thereof shall be the same as prescribed for summary courts of the Army of the United States. *Sec. 105, id.*

1343e. *Same—All courts-martial may impose confinement in lieu of authorized fines.*—All courts-martial of the National Guard, not in the service of the United States, including summary courts, shall have power to sentence to confinement in lieu of fines authorized to be imposed: *Provided*, That such sentences of confinement shall not exceed one day for each dollar of fine authorized. *Sec. 106, id. 209.*

1343f. *Same—Approval of sentence of dismissal or dishonorable discharge.*—No sentence of dismissal from the service or dishonorable discharge, imposed by a National Guard court-martial, not in the service of the United States, shall be executed until approved by the governor of the State or Territory concerned, or by the commanding general of the National Guard of the District of Columbia. *Sec. 107, id.*

1343g. *Same—Presidents of courts-martial and summary court officers empowered to issue warrants for arrest of accused and other necessary process.*—In the National Guard, not in the service of the United States, presidents of courts-martial and summary court officers shall have power to issue warrants to arrest accused persons and to bring them before the court for trial whenever such persons shall have disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused with such order, and to issue subpœnas and subpœnas duces tecum and to enforce by attachment attendance of witnesses and the production of books and papers, and to sentence for a refusal to be sworn or to answer as provided in actions before civil courts. *Sec. 108, id.*

1343h. *Same—All processes and sentences of courts to be executed by prescribed civil officers.*—All processes and sentences of said courts shall be executed by such civil officers as may be prescribed by the laws of the several States and Territories, and in any State where no provision shall have been made for such action, and in the Territories and the District of Columbia, such processes and sentences shall be executed by a United States marshal or his duly appointed deputy,

and it shall be the duty of any United States marshal to execute all such processes and sentences and make return thereof to the officer issuing or imposing the same. *Id.*

ENLISTMENTS.

1344a. *Period of.*—Hereafter the period of enlistment in the National Guard shall be for six years, the first three years of which shall be in an active organization and the remaining three years in the National Guard Reserve,[1] hereinafter provided for, and the qualifications for enlistment shall be the same as those prescribed for admission to the Regular Army.[2] *Sec. 69, id. 200.*

1344b. *Same—May be active during entire enlistment period, with right to reenlist.*—In the National Guard the privilege of continuing in active service during the whole of an enlistment period and of

[1] See paragraph 1325o, ante.

[2] *Held,* that those members so qualified who are in the active service of the United States under the President's call of June 18, 1916, which all did not include the National Guard Reserve, are entitled to be mustered out of the active service at the end of their active enlistment period of three years for the purpose of taking their place in the National Guard Reserve, and that they can not be held for further active service against their will, but that they have the privilege, under section 69 of the national defense act, of continuing in the active service during the whole of the enlistment period; and further, that they may, with the concurrence of the War Department, elect to continue in active service for such portion of the remaining three years during which the National Guard shall remain in active Federal service. (War Dept. Bull. 28, Aug. 18, 1916.)

Roach enlisted on April 24, 1914, in the Alabama National Guard for the period of three years. On June 29, 1916, he took the oath prescribed by section 70 of the national-defense act. On July 1, 1916, the company of which Roach was a member was mustered into the service of the United States. On April 24, 1917, Roach requested to be furloughed to the National Guard Reserve, but his papers were not properly made out. He continued to do duty until June 22, 1917, when his company commander again sent a request that Roach be furloughed to the Reserve. While awaiting action on the request the company commander permitted him to surrender all Government property, gave him transportation to his home, and directed him to go there and await receipt of papers evidencing his furlough. On July 26, 1917, Roach's request for furlough to the Reserve was returned from headquarters disapproved. Shortly thereafter, and prior to August 5, 1917, Roach was informed that his request for furlough had been denied and was ordered to report back to his company for service. This he declined to do, and had an altercation with the officer who ordered him to return to his company. He was placed in the Montgomery County jail under arrest pending his trial by military authorities on the charge of striking a superior officer. He secured a writ of habeas corpus. The return of the sheriff to the writ showed that he was holding Roach under the circumstances above stated.

Held, That under the provisions of the national-defense act an enlisted man is not automatically furloughed to the Reserve upon the expiration of his enlistment; that the acts of the company captain without the approval of the War Department could not operate as a discharge of Roach or as a furlough to the Reserve; and that Roach be remanded to the custody of the United States military authorities and his petition for discharge on habeas corpus be denied and dismissed. (Ex parte Roach (U. S. Dist. Ct. N. D. Ala., Aug. 14, 1917), 244 Fed. 625. War Dept. Bull. 67, Nov. 30, 1917.)

reenlisting in said service shall not be denied by reason of anything contained in this Act.[1] *Id.*

1344c. *Federal enlistment contract and oath.*—Enlisted men in the National Guard of the several States, Territories, and the District of Columbia now serving under enlistment contracts which contain an obligation to defend the Constitution of the United States and to obey the orders of the President of the United States shall be recognized as members of the National Guard under the provisions of this Act for the unexpired portion of their present enlistment contracts. When any such enlistment contract does not contain such obligation, the enlisted man shall not be recognized as a member of the National Guard until he shall have signed an enlistment contract and taken and subscribed to the following oath of enlistment, upon signing which credit shall be given for the period already served under the old enlistment contract: "I do hereby acknowledge to have

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[1] *Held*, that the sense of the above statutory provision is that an enlisted man of the National Guard who elects to remain in service instead of being furloughed to the National Guard Reserve at the expiration of the first three-year period of his enlistment must make the election as to the whole of his enlistment period, and that the soldier in the instant case could not elect to remain in the active service only one year of the remaining three years of his enlistment period. (War Dept. Bull. 47, Nov. 16, 1916.)

A soldier in a National Guard organization was, through misinterpretation of the regulations governing the National Guard Reserve, continued in the active service after the expiration of his active enlistment, and it was asked whether he might be continued in the active service and be allowed pay for the time already served.

Held, that, while the term of enlistment prescribed by the national-defense act would seem to involve an automatic passing to the reserve at the expiration of the active period of enlistment, such a deduction can not be held to interfere with the soldier's privilege of continuing in the active service, in view of the proviso of section 69, national-defense act, reading: "that in the National Guard the privilege of continuing in active service during the whole of an enlistment period * * * shall not be denied by reason of anything contained in this act"; and that since the soldier referred to in the inquiry desired to continue in the active service, and actually did so, he may properly be regarded as having legally continued in active service, his service in that capacity having been accepted by proper authority. (War Dept. Bull. 34, June 8, 1917.)

Upon questions (*a*) whether soldiers could legally be discharged by reason of expiration of term of enlistment subsequent to the passage of the act of May 18, 1917, and (*b*) whether that act was effective to continue in force enlistments in the National Guard,

Held, that question (*a*) must be answered in the negative since the provision contained in section 7 of the act of May 18, 1917, is an inhibition against discharges unless ordered by the Secretary of War under his general power to grant discharges in the interest of the Government, and since the soldier's enlistment is prolonged for the period of the emergency by the provision, a discharge for the purpose of immediate enlistment would involve administrative labor and a multiplication of records without any resultant benefit to the Government.

Held further as to question (*b*), that since the provision quoted is applicable to "all enlistments," it is applicable to enlistments in the National Guard, they being enlistments in the National Guard of the United States as well as in the National Guard of a State; and the question is answered in the affirmative. (War Department Bull. 49, Aug. 22, 1917.)

voluntarily enlisted this — day of ——, 19—, as a soldier in the National Guard of the United States and of the State of ——, for the period of three years in service and three years in the reserve, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of ———, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the governor of the State of ———, and of the officers appointed over me according to law and the Rules and Articles of War."[1] *Sec. 70, id. 201.*

1344d. *Same—Applies to all subsequent enlistments.*—Hereafter all men enlisting for service in the National Guard shall sign an enlistment contract and take and subscribe to the oath prescribed in the preceding section of this Act. *Sec. 71, id.*

1344e. *Discharge, form of; may be issued in time of peace before expiration of term of enlistment.*—An enlisted man discharged from service in the National Guard shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the President may prescribe.[2] *Sec. 72, id.*

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[1] In certain National Guard organizations responding to the President's call of March 27, 1917, were found members who had not qualified as national guardsmen under section 70 of the act of June 3, 1916.

Held, that inasmuch as the President's call of March 27, 1917, applied only to the National Guard the soldiers in question, as members of the Organized Militia, were under no obligation to respond thereto, and the fact that they appeared for service in the National Guard organizations did not operate to create any obligation on the part of the Government to pay or provide for them; and that therefore, while they still remained subject, as organized militiamen to be called into the Federal service as such, they should be dropped from the National Guard rolls for failure to qualify as national guardsmen. (War Dept. Bull. 34, June 8, 1917.)

Where an enlisted man of the Organized Militia called out in the national defense refused to take the Federal enlistment oath prescribed in the act of June 3, 1916, or to be formally mustered into the Federal service, but who was treated in all respects as a member of the organization in that service and was required to perform all the duties of a soldier from the date of his enlistment to the date of his muster out,

Held, that he was entitled to pay as a member of the organization during the period referred to.

(Comp. Treas., May 12, 1917; War Dept. Bull. July 19, 1917.)

[2] (*a*) "Can a member of the National Guard be furloughed to the reserve before the end of the active service period?

(*b*) "Can a member of the National Guard, once furloughed before the end of the three-year term of active service, be removed from the reserve and be restored to the active list to serve the remainder of the three-year active term?"

Held, that the word "service," as used in section 72, relates to the active three-year period, and that an enlisted man is entitled to a discharge in writing at the end of such period; that such discharge is not the final and absolute discharge so familiar to the Regular Army, but is a release from active service, remitting the soldier to the reserve. *Held*, as to (*a*) that since section 72 unqualifiedly authorizes discharge in time of peace, under regulations prescribed by the President, a National Guardsman may be discharged from active

OFFICERS.

1344f. *Regularly commissioned officers to continue in office without issuance of new commissions.*—Commissioned officers of the National Guard of the several States, Territories, and the District of Columbia now serving under commissions regularly issued shall continue in office, as officers of the National Guard, without the issuance of new commissions.[1] *Sec. 73, id.*

1344g. *Same—Federal oath to be taken by.*—Said officers have taken, or shall take and subscribe to the following oath of office: "I, ———, do solemnly swear that I will support and defend the Constitution of the United States and the constitution of the State of ———, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the governor of the State of ———; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of ——— in the National Guard of the United States and of the State of ——— upon which I am about to enter, so help me God."[2] *Id.*

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service and transferred to the reserve *before* the end of the active-service period. *Held*, as to (*b*), that since a discharge from active service is a release from so much of the enlistment contract as requires active service, such obligation can not be renewed without the soldiers consent, which would have to be embodied in a new contract, and therefore a member of the National Guard reserve can be restored to the three-year active service status in the National Guard only by discharge and reenlistment. (War Dept. Bull. 3, Jan. 19, 1917.)

[1] *Held*, that this provision operates only to render effective in the National Guard commissions issued by a State and does not prolong the officer's commission, and that a National Guard officer in the service of the United States can not, under existing law, be compelled to continue in the service of the United States as an officer of the National Guard after the expiration of his commission. (War Dept. Bull. 3, Jan. 19, 1917.)

[2] Upon the questions (*a*) whether officers who have taken the oath prescribed by section 73 of the National Defense Act but who belong to organizations the enlisted men of which have not taken the oath prescribed by section 70, are officers of the National Guard within the meaning of that Act; and (*b*) what effect will the taking of the oath prescribed in section 70 of the National Defense Act by an enlisted man of the Organized Militia of the State have upon his enlistment in the Organized Militia under the law of his State?

Held, as to (*a*) that an officer of the Organized Militia who takes the oath prescribed by section 73 of the National Defense Act becomes an officer of the National Guard under the National Defense Act, that there may be a recognition of an individual member of the National Guard, officer or enlisted man, separate and apart from the recognition of the organization to which he belongs, that while under the provisions of sec. 110 pay can only accrue to officers and enlisted men belonging to recognized organizations, the recognition of an officer or enlisted man separately may have substantial value, in that he thereby becomes qualified for appointment to office in the National Guard under sec. 74, and if an officer between the ages of 21 and 37 years becomes eligible for appointment as second lieutenant in the Regular Army under sec. 24; and as to (*b*) that the taking of the oath prescribed by sec. 70 by an enlisted man of the Organized Militia transforms the enlisted man of the Organized Militia into a member of the National Guard and substitutes a new enlistment contract for his former State enlistment contract. (War Dept. Bull. 47, Nov. 10, 1916.)

of war is disabled by reason of wounds or disability received or incurred while in the active service of the United States in time of war, he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer or enlisted man dies in the active service of the United States in time of war or in returning to his place of residence after being mustered out of such service, or at any other time in consequence of wounds or disabilities received in such active service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.[1] *Sec. 112, id.*

(See paragraphs 1348 and 1339j.)

1339f. *Physical examination of officers and enlisted men on being called into service of United States.*—Every officer and enlisted man of the National Guard who shall be called into the service of the United States as such shall be examined as to his physical fitness under such regulations as the President may prescribe without further commission or enlistment.[2] *Sec. 115, id. 212.*

1339g. *Same—Physical examination prior to muster out.*—Immediately preceding the muster out of an officer or enlisted man called into the active service of the United States he shall be physically examined under rules prescribed by the President of the United States, and the record thereof shall be filed and kept in the War Department. *Id.*

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[1] Under section 112 of the national-defense act of June 3, 1916, officers of the National Guard drafted into the service of the United States are entitled to the benefits of the pension laws. By section 2 of the selective-draft act of May 18, 1917, the laws and regulations governing the Regular Army, except as to promotions, apply to such officers so drafted in so far as such laws and regulations are applicable to persons whose permanent retention in the military service is not contemplated by existing law. It is not contemplated that officers drafted into the service are to be permanently retained therein. Therefore the laws governing retirement do not apply to them, but the pension laws do apply. (War Dept. Bull. 75, Dec. 31, 1917.)

[2] *Held* as follows: Under the national-defense act the National Guard occupies a dual statue, i. e., as a national force and also as a State force, and no officer or enlisted man can remain a member unless he is physically qualified for Federal service. Congress has prescribed the qualifications for commission or enlistment in the National Guard and has asserted, on behalf of the United States, the authority to prescribe the conditions under which enlistments and discharges in and from the National Guard shall be made. Section 72 of the national-defense act restricts discharges in time of peace, so that no discharge may be given in time of peace "prior to the expiration of terms of enlistment," except "under such regulations as the President may prescribe." Section 115 provides for a medical examination to determine the physical condition of the officers and enlisted men when called into the service of the United States, and it appears clear that an officer or enlisted man, upon being examined as required in that section and found physically defective, must be discharged not only from the operation of the call into the Federal service, but also from the National Guard. In the case of an enlisted man the discharge, when ordered, should be effected by a discharge in writing, signed by the proper National Guard commander, under the provisions of section 72 of the national-defense act, and should be so worded as to show that it is a discharge not only from the operation of the Federal call, but also from the National Guard. With respect to a commissioned officer, a discharge should be ordered by the President and should purport to be a discharge from the National Guard. (War Dept. Bull. 28, Aug. 18, 1916.)

1339h. *Congress declares emergency to exist and authorizes drafting of the National Guard, the Organized Militia, and Organized Militia Reserves.*—In the opinion of the Congress of the United States an emergency now exists which demands the use of troops in addition to the Regular Army of the United States, and that the President be, and he is hereby, authorized to draft into the military service of the United States, under the provisions of section one hundred and eleven of the national defense Act approved June third, nineteen hundred and sixteen, so far as the provisions of said section may be applicable and not inconsistent with the terms hereof, any or all members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and any and all members of the National Guard and Organized Militia Reserves, to serve for the period of the emergency, not exceeding three years, unless sooner discharged. *Sec. 1, Joint Resolution of July 1, 1916 (39 Stat. 339).*

1339i. *Same—Persons so drafted to stand discharged from militia during period of their service.*—All persons so drafted shall, from the date of their draft, stand discharged from the militia during the period of their service under said draft. *Id. 340.*

1339j. *Same—Pensions.*—The provisions of section one hundred and twelve of the national defense Act of June third, nineteen hundred and sixteen, shall be applicable to any officer or enlisted man drafted into the service of the United States pursuant to the provisions of this joint resolution.[1] *Sec. 2, id.*

1339k. *Same—Organization of drafted units and appointment of officers for same.*—When organizations the members of which are drafted under the provisions of this resolution do not constitute complete tactical units the President may, by combining such organizations, organize battalions, regiments, brigades, and divisions, and may appoint officers for such units from the Regular Army, from the members of such organizations, from those duly qualified and registered pursuant to section twenty-three of the Act of Congress approved January twenty-first, nineteen hundred and three,[2] or members of the Officers' Reserve Corps as provided in section thirty-eight of the national defense Act of June third, nineteen hundred and sixteen, officers with rank not above that of colonel to be appointed by the President alone and all other officers to be appointed by the President, by and with the advice and consent of the Senate. *Sec. 3, id.*

1339l. *Same—Vacancies in Regular Army caused by appointment of officers to positions in drafted forces, filling of.*—Vacancies incident to the appointment of officers of the Regular Army to the posi-

[1] See par. 1339e, ante.

[2] See footnote to paragraph 1388, ante, for law authorizing list of eligibles for commissions.

tions in the forces drafted for this emergency may be filled under the provisions of section eight of the Act of April twenty-fifth, nineteen hundred and fourteen.[1] *Id.*

1339m. *Same—Rank and command, officers of same grade.*—Whenever in time of war or public danger or during the emergency declared in section one of this resolution, two or more officers of the same grade are on duty in the same field, department, or command, or organizations thereof, the President may assign the command of the forces of such field, department, or command, or of any organization thereof, without regard to seniority of rank in the same grade. In the absence of such assignment by the President, officers of the same grade shall rank and have precedence in the following order without regard to date of rank or commission as between officers of different classes, namely: First, officers of the Regular Army and officers of the Marine Corps detached for service with the Army by order of the President; second, officers of forces drafted into the military service of the United States. *Sec. 4, id.*

1339n. *Same—Rank and precedence of officers of Regular Army holding commissions in drafted forces.*—Officers of the Regular Army holding commissions in forces drafted into the service of the United States shall rank and have precedence under said commissions as if they were commissioned in the Regular Army; but the rank of officers of the Regular Army under their commissions in the forces drafted into the service of the United States shall not for the purpose of this resolution be held to antedate muster or draft into the service of the United States. *Id.*

1339o. *Officers and enlisted men of National Guard and Medical Reserve Corps who are Government employees and responded to the call to be restored to their positions at expiration of their military service.*—All officers and enlisted men of the National Guard and of the Medical Reserve Corps of the Army who are Government employees and who respond to the call of the President for service shall, at the expiration of the military service to which they are called, be restored to the positions occupied by them at the time of the call. *Act of Aug. 29, 1916 (39 Stat. 624).*

1339p. *Draft, organize, and officer National Guard and National Guard Reserve.*—To draft into the military service of the United States, organize, and officer, in accordance with the provisions of section one hundred and eleven[2] of said national defense Act, so far as the provisions of said section may be applicable and not inconsistent with the terms of this Act, any or all members of the National Guard and of the National Guard Reserves, and said members so drafted into the military service of the United States shall serve therein for

[1] See par. 1389, ante.
[2] Paragraph 1339a, ante.

the period of the existing emergency unless sooner discharged.[1] *Par. 2, Sec. 1, Act of May 18, 1917 (40 Stat. 76).*

(For provision authorizing the raising of the enlisted men of the National Guard drafted into the service of the United States to their maximum legal strength by voluntary enlistment or by selective draft, see paragraph 1637, post.)

1339q. *Same—State designations of organizations to be retained.*—When so drafted the organizations or units of the National Guard shall, so far as practicable, retain the State designations of their respective organizations. *Id.*

(For paragraph 1 of this section, see paragraphs 331c½ and 331c¾, ante.)

1342a. *Subject to rules and articles of war when called into service of United States.*—The National Guard when called as such into the service of the United States shall, from the time they are required by the terms of the call to respond thereto, be subject to the laws and regulations governing the Regular Army, so far as such laws and regulations are applicable to officers and enlisted men whose permanent retention in the military service, either on the active list or on the retired list, is not contemplated by existing law.[2] *Sec. 101, Act of June 3, 1916 (39 Stat. 208).*

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[1] An officer of the National Guard drafted into the service of the United States by the proclamation of the President of July 3, 1917, pursuant to the provisions of the selective draft act of May 18, 1917, may be discharged in either of the two ways prescribed by section 9 of the act. Such an officer is not entitled to the right to appear before a retiring board as provided by law for officers of the Regular Army and has no right under the law to be heard by any board if the President determines that his discharge would promote the public service. As to the procedure of retiring boards see Ops. J. A. G. 210.81, Jan. 14, 1918. (Dig. Opin. J. A. G., January, 1918.)

Members of the Quartermaster Corps and of the Ordnance and Medical Departments of the New York National Guard, designated by the Militia Bureau of the War Department in Circular 29, paragraph 7, as "attached personnel" do not come within the President's proclamation of July 3, 1917, drafting into the service of the United States the National Guard of the several States; but are specifically excluded therefrom, being members of the staff corps and departments not included in the personnel of tactical organizations. Where the services of any or all members of the attached personnel are desired by the Federal Government an order should be issued under authority of the President drafting them into the service of the United States, and such men as are to be used in noncommissioned grades should be appointed noncommissioned officers in the Army of the United States. (Id.)

The national defense act does not recognize individuals as national guardsmen, except as they form component parts of an organization which conforms to the standards therein prescribed. A National Guard regiment which was authorized by the President, but which did not conform to the requirements of the national defense act at the time of the drafting of the National Guard on August 5, 1917, was not included in such draft and the individual members of such regiment were not affected by it. (Id.)

[2] Upon the recommendation that prompt action be taken to apprehend and punish such members of National Guard organizations as may have failed to respond to the call of March 25, 1917:

Held, that the said call embraced only organizations of the National Guard and did not include members of the Organized Militia who failed to qualify under the national defense act of June 3, 1916; that by the terms of section 101 of that act "The National Guard, when called as such into the service of the United States, shall, from the time they are required by the terms of the call

COURT-MARTIAL.

1343a. *System of courts-martial for when not in service of United States.*—Except in organizations in the service of the United States, court-martial in the National Guard shall be of three kinds, namely, general courts-martial, special courts-martial, and summary courts-martial. They shall be constituted like, and have cognizance of the same subjects, and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the Army of the United States, and the proceedings of courts-martial of the National Guard shall follow the forms and modes of procedure prescribed for said similar courts. *Sec. 102, id.*

1343b. *Same—Convening authority and jurisdiction of general courts-martial.*—General courts-martial of the National Guard not in the service of the United States may be convened by orders of the President, or of the governors of the respective States and Territories, or by the commanding general of the National Guard of the District of Columbia, and such courts shall have the power to impose fines not exceeding $200; to sentence to forfeiture of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to reduction of noncommissioned officers to the ranks; or any two or more of such punishments may be combined in the sentences imposed by such courts. *Sec. 103, id.*

1343c. *Same—Convening authority and jurisdiction of special courts-martial.*—In the National Guard, not in the service of the United States, the commanding officer of each garrison, fort, post, camp, or other place, brigade, regiment, detached battalion, or other detached command, may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable. Special courts-martial shall have power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such courts shall not exceed $100. *Sec. 104, id.*

1343d. *Same—Convening authority and jurisdiction of summary courts.*—In the National Guard, not in the service of the United States, the commanding officer of each garrison, fort, post, or other place, regiment or corps, detached battalion, company, or other de-

to respond thereto, be subject to the laws and regulations governing the Regular Army;" that their failure to respond renders them punishable under the Articles of War for disobeying the orders of the President for their mobilization, and, if the circumstances evidence an intent to abandon the Federal service, also for desertion; and that they may be charged with either offense, or both, and tried therefor by court-martial. (War Dept. Bull. 34, June 8, 1917.)

tachment of the National Guard may appoint for such place or command a summary court to consist of one officer, who shall have power to administer oaths and to try the enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations; and said court, when satisfied of the guilt of such soldier, may impose fines not exceeding $25 for any single offense; may sentence noncommissioned officer to reduction to the ranks; may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal, and the minutes thereof shall be the same as prescribed for summary courts of the Army of the United States. *Sec. 105, id.*

1343e. *Same—All courts-martial may impose confinement in lieu of authorized fines.*—All courts-martial of the National Guard, not in the service of the United States, including summary courts, shall have power to sentence to confinement in lieu of fines authorized to be imposed: *Provided*, That such sentences of confinement shall not exceed one day for each dollar of fine authorized. *Sec. 106, id. 209.*

1343f. *Same—Approval of sentence of dismissal or dishonorable discharge.*—No sentence of dismissal from the service or dishonorable discharge, imposed by a National Guard court-martial, not in the service of the United States, shall be executed until approved by the governor of the State or Territory concerned, or by the commanding general of the National Guard of the District of Columbia. *Sec. 107, id.*

1343g. *Same—Presidents of courts-martial and summary court officers empowered to issue warrants for arrest of accused and other necessary process.*—In the National Guard, not in the service of the United States, presidents of courts-martial and summary court officers shall have power to issue warrants to arrest accused persons and to bring them before the court for trial whenever such persons shall have disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused with such order, and to issue subpœnas and subpœnas duces tecum and to enforce by attachment attendance of witnesses and the production of books and papers, and to sentence for a refusal to be sworn or to answer as provided in actions before civil courts. *Sec. 108, id.*

1343h. *Same—All processes and sentences of courts to be executed by prescribed civil officers.*—All processes and sentences of said courts shall be executed by such civil officers as may be prescribed by the laws of the several States and Territories, and in any State where no provision shall have been made for such action, and in the Territories and the District of Columbia, such processes and sentences shall be executed by a United States marshal or his duly appointed deputy,

and it shall be the duty of any United States marshal to execute all such processes and sentences and make return thereof to the officer issuing or imposing the same. *Id.*

ENLISTMENTS.

1344a. *Period of.*—Hereafter the period of enlistment in the National Guard shall be for six years, the first three years of which shall be in an active organization and the remaining three years in the National Guard Reserve,[1] hereinafter provided for, and the qualifications for enlistment shall be the same as those prescribed for admission to the Regular Army.[2] *Sec. 69, id. 200.*

1344b. *Same—May be active during entire enlistment period, with right to reenlist.*—In the National Guard the privilege of continuing in active service during the whole of an enlistment period and of

[1] See paragraph 1325o, ante.

[2] *Held,* that those members so qualified who are in the active service of the United States under the President's call of June 18, 1916, which all did not include the National Guard Reserve, are entitled to be mustered out of the active service at the end of their active enlistment period of three years for the purpose of taking their place in the National Guard Reserve, and that they can not be held for further active service against their will, but that they have the privilege, under section 69 of the national defense act, of continuing in the active service during the whole of the enlistment period; and further, that they may, with the concurrence of the War Department, elect to continue in active service for such portion of the remaining three years during which the National Guard shall remain in active Federal service. (War Dept. Bull. 28, Aug. 18, 1916.)

Roach enlisted on April 24, 1914, in the Alabama National Guard for the period of three years. On June 29, 1916, he took the oath prescribed by section 70 of the national-defense act. On July 1, 1916, the company of which Roach was a member was mustered into the service of the United States. On April 24, 1917, Roach requested to be furloughed to the National Guard Reserve, but his papers were not properly made out. He continued to do duty until June 22, 1917, when his company commander again sent a request that Roach be furloughed to the Reserve. While awaiting action on the request the company commander permitted him to surrender all Government property, gave him transportation to his home, and directed him to go there and await receipt of papers evidencing his furlough. On July 26, 1917, Roach's request for furlough to the Reserve was returned from headquarters disapproved. Shortly thereafter, and prior to August 5, 1917, Roach was informed that his request for furlough had been denied and was ordered to report back to his company for service. This he declined to do, and had an altercation with the officer who ordered him to return to his company. He was placed in the Montgomery County jail under arrest pending his trial by military authorities on the charge of striking a superior officer. He secured a writ of habeas corpus. The return of the sheriff to the writ showed that he was holding Roach under the circumstances above stated.

Held, That under the provisions of the national-defense act an enlisted man is not automatically furloughed to the Reserve upon the expiration of his enlistment; that the acts of the company captain without the approval of the War Department could not operate as a discharge of Roach or as a furlough to the Reserve; and that Roach be remanded to the custody of the United States military authorities and his petition for discharge on habeas corpus be denied and dismissed. (Ex parte Roach (U. S. Dist. Ct. N. D. Ala., Aug. 14, 1917), 244 Fed. 625. War Dept. Bull. 67, Nov. 30, 1917.)

reenlisting in said service shall not be denied by reason of anything contained in this Act.[1] *Id.*

1344c. *Federal enlistment contract and oath.*—Enlisted men in the National Guard of the several States, Territories, and the District of Columbia now serving under enlistment contracts which contain an obligation to defend the Constitution of the United States and to obey the orders of the President of the United States shall be recognized as members of the National Guard under the provisions of this Act for the unexpired portion of their present enlistment contracts. When any such enlistment contract does not contain such obligation, the enlisted man shall not be recognized as a member of the National Guard until he shall have signed an enlistment contract and taken and subscribed to the following oath of enlistment, upon signing which credit shall be given for the period already served under the old enlistment contract: "I do hereby acknowledge to have

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[1] *Held*, that the sense of the above statutory provision is that an enlisted man of the National Guard who elects to remain in service instead of being furloughed to the National Guard Reserve at the expiration of the first three-year period of his enlistment must make the election as to the whole of his enlistment period, and that the soldier in the instant case could not elect to remain in the active service only one year of the remaining three years of his enlistment period. (War Dept. Bull. 47, Nov. 16, 1916.)

A soldier in a National Guard organization was, through misinterpretation of the regulations governing the National Guard Reserve, continued in the active service after the expiration of his active enlistment, and it was asked whether he might be continued in the active service and be allowed pay for the time already served.

Held, that, while the term of enlistment prescribed by the national-defense act would seem to involve an automatic passing to the reserve at the expiration of the active period of enlistment, such a deduction can not be held to interfere with the soldier's privilege of continuing in the active service, in view of the proviso of section 60, national-defense act, reading: "that in the National Guard the privilege of continuing in active service during the whole of an enlistment period * * * shall not be denied by reason of anything contained in this act"; and that since the soldier referred to in the inquiry desired to continue in the active service, and actually did so, he may properly be regarded as having legally continued in active service, his service in that capacity having been accepted by proper authority. (War Dept. Bull. 34, June 8, 1917.)

Upon questions (*a*) whether soldiers could legally be discharged by reason of expiration of term of enlistment subsequent to the passage of the act of May 18, 1917, and (*b*) whether that act was effective to continue in force enlistments in the National Guard,

Held, that question (*a*) must be answered in the negative since the provision contained in section 7 of the act of May 18, 1917, is an inhibition against discharges unless ordered by the Secretary of War under his general power to grant discharges in the interest of the Government, and since the soldier's enlistment is prolonged for the period of the emergency by the provision, a discharge for the purpose of immediate enlistment would involve administrative labor and a multiplication of records without any resultant benefit to the Government.

Held further as to question (*b*), that since the provision quoted is applicable to "all enlistments," it is applicable to enlistments in the National Guard, they being enlistments in the National Guard of the United States as well as in the National Guard of a State; and the question is answered in the affirmative. (War Department Bull. 49, Aug. 22, 1917.)

voluntarily enlisted this — day of ——, 19—, as a soldier in the National Guard of the United States and of the State of ——, for the period of three years in service and three years in the reserve, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of ———, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the governor of the State of ———, and of the officers appointed over me according to law and the Rules and Articles of War."[1] *Sec. 70, id. 201.*

1344d. *Same—Applies to all subsequent enlistments.*—Hereafter all men enlisting for service in the National Guard shall sign an enlistment contract and take and subscribe to the oath prescribed in the preceding section of this Act. *Sec. 71, id.*

1344e. *Discharge, form of; may be issued in time of peace before expiration of term of enlistment.*—An enlisted man discharged from service in the National Guard shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the President may prescribe.[2] *Sec. 72, id.*

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[1] In certain National Guard organizations responding to the President's call of March 27, 1917, were found members who had not qualified as national guardsmen under section 70 of the act of June 3, 1916.

Held, that inasmuch as the President's call of March 27, 1917, applied only to the National Guard the soldiers in question, as members of the Organized Militia, were under no obligation to respond thereto, and the fact that they appeared for service in the National Guard organizations did not operate to create any obligation on the part of the Government to pay or provide for them; and that therefore, while they still remained subject, as organized militiamen to be called into the Federal service as such, they should be dropped from the National Guard rolls for failure to qualify as national guardsmen. (War Dept. Bull. 34, June 8, 1917.)

Where an enlisted man of the Organized Militia called out in the national defense refused to take the Federal enlistment oath prescribed in the act of June 3, 1916, or to be formally mustered into the Federal service, but who was treated in all respects as a member of the organization in that service and was required to perform all the duties of a soldier from the date of his enlistment to the date of his muster out,

Held, that he was entitled to pay as a member of the organization during the period referred to.

(Comp. Treas., May 12, 1917; War Dept. Bull. July 19, 1917.)

[2] (*a*) "Can a member of the National Guard be furloughed to the reserve before the end of the active service period?

(*b*) "Can a member of the National Guard, once furloughed before the end of the three-year term of active service, be removed from the reserve and be restored to the active list to serve the remainder of the three-year active term?"

Held, that the word "service," as used in section 72, relates to the active three-year period, and that an enlisted man is entitled to a discharge in writing at the end of such period; that such discharge is not the final and absolute discharge so familiar to the Regular Army, but is a release from active service, remitting the soldier to the reserve. *Held*, as to (*a*) that since section 72 unqualifiedly authorizes discharge in time of peace, under regulations prescribed by the President, a National Guardsman may be discharged from active

OFFICERS.

1344f. *Regularly commissioned officers to continue in office without issuance of new commissions.*—Commissioned officers of the National Guard of the several States, Territories, and the District of Columbia now serving under commissions regularly issued shall continue in office, as officers of the National Guard, without the issuance of new commissions.[1] *Sec. 73, id.*

1344g. *Same—Federal oath to be taken by.*—Said officers have taken, or shall take and subscribe to the following oath of office: "I, ———, do solemnly swear that I will support and defend the Constitution of the United States and the constitution of the State of ———, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the governor of the State of ———; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of ——— in the National Guard of the United States and of the State of ——— upon which I am about to enter, so help me God."[2] *Id.*

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service and transferred to the reserve *before* the end of the active-service period. *Held*, as to (*b*), that since a discharge from active service is a release from so much of the enlistment contract as requires active service, such obligation can not be renewed without the soldiers consent, which would have to be embodied in a new contract, and therefore a member of the National Guard reserve can be restored to the three-year active service status in the National Guard only by discharge and reenlistment. (War Dept. Bull. 3, Jan. 19, 1917.)

[1] *Held*, that this provision operates only to render effective in the National Guard commissions issued by a State and does not prolong the officer's commission, and that a National Guard officer in the service of the United States can not, under existing law, be compelled to continue in the service of the United States as an officer of the National Guard after the expiration of his commission. (War Dept. Bull. 3, Jan. 19, 1917.)

[2] Upon the questions (*a*) whether officers who have taken the oath prescribed by section 73 of the National Defense Act but who belong to organizations the enlisted men of which have not taken the oath prescribed by section 70, are officers of the National Guard within the meaning of that Act; and (*b*) what effect will the taking of the oath prescribed in section 70 of the National Defense Act by an enlisted man of the Organized Militia of the State have upon his enlistment in the Organized Militia under the law of his State?

Held, as to (*a*) that an officer of the Organized Militia who takes the oath prescribed by section 73 of the National Defense Act becomes an officer of the National Guard under the National Defense Act, that there may be a recognition of an individual member of the National Guard, officer or enlisted man, separate and apart from the recognition of the organization to which he belongs, that while under the provisions of sec. 110 pay can only accrue to officers and enlisted men belonging to recognized organizations, the recognition of an officer or enlisted man separately may have substantial value, in that he thereby becomes qualified for appointment to office in the National Guard under sec. 74, and if an officer between the ages of 21 and 37 years becomes eligible for appointment as second lieutenant in the Regular Army under sec. 24; and as to (*b*) that the taking of the oath prescribed by sec. 70 by an enlisted man of the Organized Militia transforms the enlisted man of the Organized Militia into a member of the National Guard and substitutes a new enlistment contract for his former State enlistment contract. (War Dept. Bull. 47, Nov. 16, 1916.)

1344h. *Classes from which commissioned officers may be selected for appointment.*—Persons hereafter commissioned as officers of the National Guard shall not be recognized as such under any of the provisions of this Act unless they shall have been selected from the following classes and shall have taken and subscribed to the oath of office prescribed in the preceding section of this Act: Officers or enlisted men of the National Guard; officers on the reserve or unassigned list of the National Guard officers, active or retired, and former officers of the United States Army, Navy, and Marine Corps; graduates of the United States Military and Naval Academies and graduates of schools, colleges, and universities where military science is taught under the supervision of an officer of the Regular Army, and, for the technical branches and staff corps or departments, such other civilians as may be especially qualified for duty therein.[1] *Sec. 74, id.*

(See footnote to paragraph 1325a.)

1344i. *Same—Examination to determine physical, moral, and professional fitness for appointment.*—The provisions of this Act shall not apply to any person hereafter appointed an officer of the National Guard unless he first shall have successfully passed such tests as to his physical, moral, and professional fitness as the President shall prescribe. The examination to determine such qualifications for commission shall be conducted by a board of three commissioned officers appointed by the Secretary of War from the Regular Army or the National Guard, or both. *Sec. 75, id. 202.*

(See footnote to paragraph 1339f; also footnote to paragraph 1325a.)

1344j. *Filling vacancies in organizations which have been drafted into Federal service.*—All vacancies occurring in any grade of commissioned officers in any organization in the military service of the United States and composed of persons drafted from the National Guard under the provisions of this Act shall be filled by the President, as far as practicable, by the appointment of persons similarly taken from said guard, and in the manner prescribed by law for filling similar vacancies occurring in the volunteer forces.[2] *Sec. 76, id.*

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[1] *Held*, that the status of retired officers will not be impaired by active service under a National Guard commission. During their service as National Guard officers in the active service of the United States they will receive only the pay of their National Guard offices. (War Dept. Bull. 28, Aug. 18, 1916.)

Under the national defense act of June 3, 1916 (39 Stat. 176), a person who is especially qualified for duty as a veterinarian is eligible for a commission as a veterinary officer n the federalized National Guard, even though he may not be a graduate of a veterinary college. (Sec. 74.) Candidates for the position of assistant veterinarian in the Regular Army, or that of reserve veterinarian, must, however, be graduates of a recognized veterinary college or university. (Sec. 16.) (Dig. Opin. J. A. G., January, 1918.)

[2] See chapter entitled "Volunteers," paragraph 1389.

1339h. *Congress declares emergency to exist and authorizes drafting of the National Guard, the Organized Militia, and Organized Militia Reserves.*—In the opinion of the Congress of the United States an emergency now exists which demands the use of troops in addition to the Regular Army of the United States, and that the President be, and he is hereby, authorized to draft into the military service of the United States, under the provisions of section one hundred and eleven of the national defense Act approved June third, nineteen hundred and sixteen, so far as the provisions of said section may be applicable and not inconsistent with the terms hereof, any or all members of the National Guard and of the Organized Militia of the several States, Territories, and the District of Columbia and any and all members of the National Guard and Organized Militia Reserves, to serve for the period of the emergency, not exceeding three years, unless sooner discharged. *Sec. 1, Joint Resolution of July 1, 1916 (39 Stat. 339).*

1339i. *Same—Persons so drafted to stand discharged from militia during period of their service.*—All persons so drafted shall, from the date of their draft, stand discharged from the militia during the period of their service under said draft. *Id. 340.*

1339j. *Same—Pensions.*—The provisions of section one hundred and twelve of the national defense Act of June third, nineteen hundred and sixteen, shall be applicable to any officer or enlisted man drafted into the service of the United States pursuant to the provisions of this joint resolution.[1] *Sec. 2, id.*

1339k. *Same—Organization of drafted units and appointment of officers for same.*—When organizations the members of which are drafted under the provisions of this resolution do not constitute complete tactical units the President may, by combining such organizations, organize battalions, regiments, brigades, and divisions, and may appoint officers for such units from the Regular Army, from the members of such organizations, from those duly qualified and registered pursuant to section twenty-three of the Act of Congress approved January twenty-first, nineteen hundred and three,[2] or members of the Officers' Reserve Corps as provided in section thirty-eight of the national defense Act of June third, nineteen hundred and sixteen, officers with rank not above that of colonel to be appointed by the President alone and all other officers to be appointed by the President, by and with the advice and consent of the Senate. *Sec. 3, id.*

1339l. *Same—Vacancies in Regular Army caused by appointment of officers to positions in drafted forces, filling of.*—Vacancies incident to the appointment of officers of the Regular Army to the posi-

[1] See par. 1339e, ante.

[2] See footnote to paragraph 1388, ante, for law authorizing list of eligibles for commissions.

War, and under such rules and regulations as he may prescribe, for the support of, at a cost of not more than $50 per month, or so much of said amount as the Secretary of War may deem necessary, and not more than such enlisted man has been contributing monthly to the support of his family at the time of his being called or drafted into the service of the United States or during his enlistment period in the Regular Army at the time of such call or draft of the Organized Militia or National Guard, the family of each enlisted man of the Organized Militia or National Guard called or drafted into the service of the United States until his discharge from such service, and the family of each enlisted man of the Regular Army until his discharge from active service therein or until the discharge of the Organized Militia or National Guard from such service if such enlisted man is at that time in active service in the Regular Army, which family during the term of service of such enlisted man has no other income, except the pay of such enlisted man, adequate for the support of said family. *Act of Aug. 29, 1916 (39 Stat. 649.)*

1347b. *Same—Action of Secretary of War to be final in all cases.*—The action of the Secretary of War in all cases provided for in this paragraph shall be final, and no right to prosecute a suit in the Court of Claims or in any other court of the United States against the Government of the United States shall accrue to such enlisted man, or to any member of the family of any such enlisted man, by virtue of the passage of this act. *Id.*

1347c. *Same—Not applicable where soldier marries after certain date; family defined.*—This paragraph shall not apply to any such enlisted man who shall marry after the fifteenth day of July, nineteen hundred and sixteen; and the word "family" shall include only wife, children, and dependent mothers. *Id.*

1347d. *Same—Amendment of provision so as to cover enlistments made before and after call of the President, etc.*—The sum of $2,000,000, therein appropriated to be expended under the direction of the Secretary of War for the support of the family of each enlisted man of the Organized Militia or National Guard, or of the Regular Army, as therein provided, shall be available to be paid on the basis of and for time subsequent to June eighteenth, nineteen hundred and sixteen, the date of the call by the President, and the time for which such payment shall be made shall correspond with the time of service of the enlisted men, and payment shall be made without reference to the enlisted men having enlisted before or after the call by the President. *Sec. 901, Act of Sept. 8, 1916 (39 Stat. 801), amending Act of Aug. 29, 1916 (39 Stat. 649).*

1347e. *Same—Appropriation for continuation of, under same conditions as original appropriation.*—For the support of dependent families of enlisted men, including the same objects and under the

the period of the existing emergency unless sooner discharged.[1] *Par. 2, Sec. 1, Act of May 18, 1917 (40 Stat. 76).*

(For provision authorizing the raising of the enlisted men of the National Guard drafted into the service of the United States to their maximum legal strength by voluntary enlistment or by selective draft, see paragraph 1637, post.)

1339q. *Same—State designations of organizations to be retained.*—When so drafted the organizations or units of the National Guard shall, so far as practicable, retain the State designations of their respective organizations. *Id.*

(For paragraph 1 of this section, see paragraphs 331c½ and 331c¾, ante.)

1342a. *Subject to rules and articles of war when called into service of United States.*—The National Guard when called as such into the service of the United States shall, from the time they are required by the terms of the call to respond thereto, be subject to the laws and regulations governing the Regular Army, so far as such laws and regulations are applicable to officers and enlisted men whose permanent retention in the military service, either on the active list or on the retired list, is not contemplated by existing law.[2] *Sec. 101, Act of June 3, 1916 (39 Stat. 208).*

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[1] An officer of the National Guard drafted into the service of the United States by the proclamation of the President of July 3, 1917, pursuant to the provisions of the selective draft act of May 18, 1917, may be discharged in either of the two ways prescribed by section 9 of the act. Such an officer is not entitled to the right to appear before a retiring board as provided by law for officers of the Regular Army and has no right under the law to be heard by any board if the President determines that his discharge would promote the public service. As to the procedure of retiring boards see Ops. J. A. G. 210.81, Jan. 14, 1918. (Dig. Opin. J. A. G., January, 1918.)

Members of the Quartermaster Corps and of the Ordnance and Medical Departments of the New York National Guard, designated by the Militia Bureau of the War Department in Circular 29, paragraph 7, as "attached personnel" do not come within the President's proclamation of July 3, 1917, drafting into the service of the United States the National Guard of the several States; but are specifically excluded therefrom, being members of the staff corps and departments not included in the personnel of tactical organizations. Where the services of any or all members of the attached personnel are desired by the Federal Government an order should be issued under authority of the President drafting them into the service of the United States, and such men as are to be used in noncommissioned grades should be appointed noncommissioned officers in the Army of the United States. (Id.)

The national defense act does not recognize individuals as national guardsmen, except as they form component parts of an organization which conforms to the standards therein prescribed. A National Guard regiment which was authorized by the President, but which did not conform to the requirements of the national defense act at the time of the drafting of the National Guard on August 5, 1917, was not included in such draft and the individual members of such regiment were not affected by it. (Id.)

Upon the recommendation that prompt action be taken to apprehend and punish such members of National Guard organizations as may have failed to respond to the call of March 25, 1917:

Held, that the said call embraced only organizations of the National Guard and did not include members of the Organized Militia who failed to qualify under the national defense act of June 3, 1916; that by the terms of section 101 of that act "The National Guard, when called as such into the service of the United States, shall, from the time they are required by the terms of the call

1349a. *Men enlisted to bring organizations up to minimum entitled to pay from date of enlistment to date of muster in or rejection.*—Nothing in this Act or previous Acts of Congress shall be construed to prohibit the paying of men enlisted by State authorities of any State for militia organization for the purpose of bringing said organization up to the minimum necessary to permit of the muster in the said organization, from the date of such enlistments to the date of muster in or from date of enlistment to date of rejection, after physical examination.[1] *Act of Aug. 29, 1916 (39 Stat. 624).*

1349b. *Transportation to their homes of members of National Guard who have been discharged because of dependent families.*—When members of the National Guard, who have been mustered into the service of the United States, have been discharged under the order of the War Department which provides that members of the National Guard with dependent families may be mustered out, transportation from their position on the Mexican border to their homes may be authorized by the Secretary of War. *Id. 633.*

1351a. *Permanent annual appropriation.*—A sum of money shall hereafter be appropriated annually, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the National Guard, including the expense of providing arms, ordnance stores, quartermaster stores, and camp equipage, and all other military supplies for issue to the National Guard, and such other expenses pertaining to the said guard as are now or may hereafter be authorized by law. *Sec. 67, Act of June 3, 1916 (39 Stat. 199).*

(See paragraphs 1352–1355.)

1351b. *Apportionment among States and Territories.*—The appropriation provided for in this section shall be apportioned among the

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such legislation, and to enlisted men of the Regular Army in active service during the continuance of the National Guard service under such calls, and to none others; and that in order that those organizations responding to the call of March 25, 1917, and those retained in service, as specified in that call, may be on an equal footing, so far as family benefits are concerned, it must be held that they are all in the service under the call of March 25, 1917, those organizations which had not been discharged but were retained in the service having ceased to be in the service under the call of June 18, 1916, from and after March 25, 1917. All three questions should, therefore, be answered in the negative.

The present crisis in national affairs has brought on new conditions, and Congress being in session at this time if it desires to continue the payment for the support of the families of enlisted men of National Guard organizations brought into the service or continued in the service under the President's call of March 25, 1917, and of certain enlisted men of the Regular Army, legislation expressive of such desire should be enacted at this time. There will thus be an opportunity to place all on an equal footing. (Comp. Treas., Apr. 9, 1917; War Dept. Bull 26, May 7, 1917.)

[1] *Held*, that in the case of enlisted men recruited for the purpose of bringing a National Guard organization up to the maximum strength, who are mustered in, payment may be made from the date of enlistment to the date of muster in, but that in the case of those similarly enlisted who are rejected, after physical examination, there is no authority for their payment from Federal funds for the time between the date of enlistment and the date of rejection. (Comp. Treas., Sept. 30, 1916. War Dept. Bull. 47, Nov. 16, 1916.)

tachment of the National Guard may appoint for such place or command a summary court to consist of one officer, who shall have power to administer oaths and to try the enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations; and said court, when satisfied of the guilt of such soldier, may impose fines not exceeding $25 for any single offense; may sentence noncommissioned officer to reduction to the ranks; may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal, and the minutes thereof shall be the same as prescribed for summary courts of the Army of the United States. *Sec. 105, id.*

1343e. *Same—All courts-martial may impose confinement in lieu of authorized fines.*—All courts-martial of the National Guard, not in the service of the United States, including summary courts, shall have power to sentence to confinement in lieu of fines authorized to be imposed: *Provided*, That such sentences of confinement shall not exceed one day for each dollar of fine authorized. *Sec. 106, id. 209.*

1343f. *Same—Approval of sentence of dismissal or dishonorable discharge.*—No sentence of dismissal from the service or dishonorable discharge, imposed by a National Guard court-martial, not in the service of the United States, shall be executed until approved by the governor of the State or Territory concerned, or by the commanding general of the National Guard of the District of Columbia. *Sec. 107, id.*

1343g. *Same—Presidents of courts-martial and summary court officers empowered to issue warrants for arrest of accused and other necessary process.*—In the National Guard, not in the service of the United States, presidents of courts-martial and summary court officers shall have power to issue warrants to arrest accused persons and to bring them before the court for trial whenever such persons shall have disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused with such order, and to issue subpœnas and subpœnas duces tecum and to enforce by attachment attendance of witnesses and the production of books and papers, and to sentence for a refusal to be sworn or to answer as provided in actions before civil courts. *Sec. 108, id.*

1343h. *Same—All processes and sentences of courts to be executed by prescribed civil officers.*—All processes and sentences of said courts shall be executed by such civil officers as may be prescribed by the laws of the several States and Territories, and in any State where no provision shall have been made for such action, and in the Territories and the District of Columbia, such processes and sentences shall be executed by a United States marshal or his duly appointed deputy,

and it shall be the duty of any United States marshal to execute all such processes and sentences and make return thereof to the officer issuing or imposing the same. *Id.*

ENLISTMENTS.

1344a. *Period of.*—Hereafter the period of enlistment in the National Guard shall be for six years, the first three years of which shall be in an active organization and the remaining three years in the National Guard Reserve,[1] hereinafter provided for, and the qualifications for enlistment shall be the same as those prescribed for admission to the Regular Army.[2] *Sec. 69, id. 200.*

1344b. *Same—May be active during entire enlistment period, with right to reenlist.*—In the National Guard the privilege of continuing in active service during the whole of an enlistment period and of

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[1] See paragraph 1325o, ante.

[2] *Held*, that those members so qualified who are in the active service of the United States under the President's call of June 18, 1916, which all did not include the National Guard Reserve, are entitled to be mustered out of the active service at the end of their active enlistment period of three years for the purpose of taking their place in the National Guard Reserve, and that they can not be held for further active service against their will, but that they have the privilege, under section 69 of the national defense act, of continuing in the active service during the whole of the enlistment period; and further, that they may, with the concurrence of the War Department, elect to continue in active service for such portion of the remaining three years during which the National Guard shall remain in active Federal service. (War Dept. Bull. 28, Aug. 18, 1916.)

Roach enlisted on April 24, 1914, in the Alabama National Guard for the period of three years. On June 29, 1916, he took the oath prescribed by section 70 of the national-defense act. On July 1, 1916, the company of which Roach was a member was mustered into the service of the United States. On April 24, 1917, Roach requested to be furloughed to the National Guard Reserve, but his papers were not properly made out. He continued to do duty until June 22, 1917, when his company commander again sent a request that Roach be furloughed to the Reserve. While awaiting action on the request the company commander permitted him to surrender all Government property, gave him transportation to his home, and directed him to go there and await receipt of papers evidencing his furlough. On July 26, 1917, Roach's request for furlough to the Reserve was returned from headquarters disapproved. Shortly thereafter, and prior to August 5, 1917, Roach was informed that his request for furlough had been denied and was ordered to report back to his company for service. This he declined to do, and had an altercation with the officer who ordered him to return to his company. He was placed in the Montgomery County jail under arrest pending his trial by military authorities on the charge of striking a superior officer. He secured a writ of habeas corpus. The return of the sheriff to the writ showed that he was holding Roach under the circumstances above stated.

Held, That under the provisions of the national-defense act an enlisted man is not automatically furloughed to the Reserve upon the expiration of his enlistment; that the acts of the company captain without the approval of the War Department could not operate as a discharge of Roach or as a furlough to the Reserve; and that Roach be remanded to the custody of the United States military authorities and his petition for discharge on habeas corpus be denied and dismissed. (Ex parte Roach (U. S. Dist. Ct. N. D. Ala., Aug. 14, 1917), 244 Fed. 625. War Dept. Bull. 67, Nov. 30, 1917.)

reenlisting in said service shall not be denied by reason of anything contained in this Act.[1] *Id.*

1344c. *Federal enlistment contract and oath.*—Enlisted men in the National Guard of the several States, Territories, and the District of Columbia now serving under enlistment contracts which contain an obligation to defend the Constitution of the United States and to obey the orders of the President of the United States shall be recognized as members of the National Guard under the provisions of this Act for the unexpired portion of their present enlistment contracts. When any such enlistment contract does not contain such obligation, the enlisted man shall not be recognized as a member of the National Guard until he shall have signed an enlistment contract and taken and subscribed to the following oath of enlistment, upon signing which credit shall be given for the period already served under the old enlistment contract: "I do hereby acknowledge to have

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[1] *Held*, that the sense of the above statutory provision is that an enlisted man of the National Guard who elects to remain in service instead of being furloughed to the National Guard Reserve at the expiration of the first three-year period of his enlistment must make the election as to the whole of his enlistment period, and that the soldier in the instant case could not elect to remain in the active service only one year of the remaining three years of his enlistment period. (War Dept. Bull. 47, Nov. 16, 1916.)

A soldier in a National Guard organization was, through misinterpretation of the regulations governing the National Guard Reserve, continued in the active service after the expiration of his active enlistment, and it was asked whether he might be continued in the active service and be allowed pay for the time already served.

Held, that, while the term of enlistment prescribed by the national-defense act would seem to involve an automatic passing to the reserve at the expiration of the active period of enlistment, such a deduction can not be held to interfere with the soldier's privilege of continuing in the active service, in view of the proviso of section 69, national-defense act, reading: "that in the National Guard the privilege of continuing in active service during the whole of an enlistment period * * * shall not be denied by reason of anything contained in this act"; and that since the soldier referred to in the inquiry desired to continue in the active service, and actually did so, he may properly be regarded as having legally continued in active service, his service in that capacity having been accepted by proper authority. (War Dept. Bull. 34, June 8, 1917.)

Upon questions (*a*) whether soldiers could legally be discharged by reason of expiration of term of enlistment subsequent to the passage of the act of May 18, 1917, and (*b*) whether that act was effective to continue in force enlistments in the National Guard,

Held, that question (*a*) must be answered in the negative since the provision contained in section 7 of the act of May 18, 1917, is an inhibition against discharges unless ordered by the Secretary of War under his general power to grant discharges in the interest of the Government, and since the soldier's enlistment is prolonged for the period of the emergency by the provision, a discharge for the purpose of immediate enlistment would involve administrative labor and a multiplication of records without any resultant benefit to the Government.

Held further as to question (*b*), that since the provision quoted is applicable to "all enlistments," it is applicable to enlistments in the National Guard, they being enlistments in the National Guard of the United States as well as in the National Guard of a State; and the question is answered in the affirmative. (War Department Bull. 49, Aug. 22, 1917.)

voluntarily enlisted this — day of ——, 19—, as a soldier in the National Guard of the United States and of the State of ——, for the period of three years in service and three years in the reserve, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of ———, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the governor of the State of ———, and of the officers appointed over me according to law and the Rules and Articles of War."[1] *Sec. 70, id. 201.*

1344d. *Same—Applies to all subsequent enlistments.*—Hereafter all men enlisting for service in the National Guard shall sign an enlistment contract and take and subscribe to the oath prescribed in the preceding section of this Act. *Sec. 71, id.*

1344e. *Discharge, form of; may be issued in time of peace before expiration of term of enlistment.*—An enlisted man discharged from service in the National Guard shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the President may prescribe.[2] *Sec. 72, id.*

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[1] In certain National Guard organizations responding to the President's call of March 27, 1917, were found members who had not qualified as national guardsmen under section 70 of the act of June 3, 1916.

Held, that inasmuch as the President's call of March 27, 1917, applied only to the National Guard the soldiers in question, as members of the Organized Militia, were under no obligation to respond thereto, and the fact that they appeared for service in the National Guard organizations did not operate to create any obligation on the part of the Government to pay or provide for them; and that therefore, while they still remained subject, as organized militiamen to be called into the Federal service as such, they should be dropped from the National Guard rolls for failure to qualify as national guardsmen. (War Dept. Bull. 34, June 8, 1917.)

Where an enlisted man of the Organized Militia called out in the national defense refused to take the Federal enlistment oath prescribed in the act of June 3, 1916, or to be formally mustered into the Federal service, but who was treated in all respects as a member of the organization in that service and was required to perform all the duties of a soldier from the date of his enlistment to the date of his muster out,

Held, that he was entitled to pay as a member of the organization during the period referred to.

(Comp. Treas., May 12, 1917; War Dept. Bull. July 19, 1917.)

[2] (*a*) "Can a member of the National Guard be furloughed to the reserve before the end of the active service period?

(*b*) "Can a member of the National Guard, once furloughed before the end of the three-year term of active service, be removed from the reserve and be restored to the active list to serve the remainder of the three-year active term?"

Held, that the word "service," as used in section 72, relates to the active three-year period, and that an enlisted man is entitled to a discharge in writing at the end of such period; that such discharge is not the final and absolute discharge so familiar to the Regular Army, but is a release from active service, remitting the soldier to the reserve. *Held*, as to (*a*) that since section 72 unqualifiedly authorizes discharge in time of peace, under regulations prescribed by the President, a National Guardsman may be discharged from active

OFFICERS.

1344f. *Regularly commissioned officers to continue in office without issuance of new commissions.*—Commissioned officers of the National Guard of the several States, Territories, and the District of Columbia now serving under commissions regularly issued shall continue in office, as officers of the National Guard, without the issuance of new commissions.[1] *Sec. 73, id.*

1344g. *Same—Federal oath to be taken by.*—Said officers have taken, or shall take and subscribe to the following oath of office: "I, ———, do solemnly swear that I will support and defend the Constitution of the United States and the constitution of the State of ———, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the governor of the State of ———; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of ——— in the National Guard of the United States and of the State of ——— upon which I am about to enter, so help me God."[2] *Id.*

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service and transferred to the reserve *before* the end of the active-service period. *Held*, as to (*b*), that since a discharge from active service is a release from so much of the enlistment contract as requires active service, such obligation can not be renewed without the soldiers consent, which would have to be embodied in a new contract, and therefore a member of the National Guard reserve can be restored to the three-year active service status in the National Guard only by discharge and reenlistment. (War Dept. Bull. 3, Jan. 19, 1917.)

[1] *Held*, that this provision operates only to render effective in the National Guard commissions issued by a State and does not prolong the officer's commission, and that a National Guard officer in the service of the United States can not, under existing law, be compelled to continue in the service of the United States as an officer of the National Guard after the expiration of his commission. (War Dept. Bull. 3, Jan. 19, 1917.)

[2] Upon the questions (*a*) whether officers who have taken the oath prescribed by section 73 of the National Defense Act but who belong to organizations the enlisted men of which have not taken the oath prescribed by section 70, are officers of the National Guard within the meaning of that Act; and (*b*) what effect will the taking of the oath prescribed in section 70 of the National Defense Act by an enlisted man of the Organized Militia of the State have upon his enlistment in the Organized Militia under the law of his State?

Held, as to (*a*) that an officer of the Organized Militia who takes the oath prescribed by section 73 of the National Defense Act becomes an officer of the National Guard under the National Defense Act, that there may be a recognition of an individual member of the National Guard, officer or enlisted man, separate and apart from the recognition of the organization to which he belongs, that while under the provisions of sec. 110 pay can only accrue to officers and enlisted men belonging to recognized organizations, the recognition of an officer or enlisted man separately may have substantial value, in that he thereby becomes qualified for appointment to office in the National Guard under sec. 74, and if an officer between the ages of 21 and 37 years becomes eligible for appointment as second lieutenant in the Regular Army under sec. 24; and as to (*b*) that the taking of the oath prescribed by sec. 70 by an enlisted man of the Organized Militia transforms the enlisted man of the Organized Militia into a member of the National Guard and substitutes a new enlistment contract for his former State enlistment contract. (War Dept. Bull. 47, Nov. 16, 1916.)

1344h. *Classes from which commissioned officers may be selected for appointment.*—Persons hereafter commissioned as officers of the National Guard shall not be recognized as such under any of the provisions of this Act unless they shall have been selected from the following classes and shall have taken and subscribed to the oath of office prescribed in the preceding section of this Act: Officers or enlisted men of the National Guard; officers on the reserve or unassigned list of the National Guard officers, active or retired, and former officers of the United States Army, Navy, and Marine Corps; graduates of the United States Military and Naval Academies and graduates of schools, colleges, and universities where military science is taught under the supervision of an officer of the Regular Army, and, for the technical branches and staff corps or departments, such other civilians as may be especially qualified for duty therein.[1] *Sec. 74, id.*

(See footnote to paragraph 1325a.)

1344i. *Same—Examination to determine physical, moral, and professional fitness for appointment.*—The provisions of this Act shall not apply to any person hereafter appointed an officer of the National Guard unless he first shall have successfully passed such tests as to his physical, moral, and professional fitness as the President shall prescribe. The examination to determine such qualifications for commission shall be conducted by a board of three commissioned officers appointed by the Secretary of War from the Regular Army or the National Guard, or both. *Sec. 75, id. 202.*

(See footnote to paragraph 1339f; also footnote to paragraph 1325a.)

1344j. *Filling vacancies in organizations which have been drafted into Federal service.*—All vacancies occurring in any grade of commissioned officers in any organization in the military service of the United States and composed of persons drafted from the National Guard under the provisions of this Act shall be filled by the President, as far as practicable, by the appointment of persons similarly taken from said guard, and in the manner prescribed by law for filling similar vacancies occurring in the volunteer forces.[2] *Sec. 76, id.*

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[1] *Held,* that the status of retired officers will not be impaired by active service under a National Guard commission. During their service as National Guard officers in the active service of the United States they will receive only the pay of their National Guard offices. (War Dept. Bull. 28, Aug. 18, 1916.)

Under the national defense act of June 3, 1916 (39 Stat. 176), a person who is especially qualified for duty as a veterinarian is eligible for a commission as a veterinary officer n the federalized National Guard, even though he may not be a graduate of a veterinary college. (Sec. 74.) Candidates for the position of assistant veterinarian in the Regular Army, or that of reserve veterinarian, must, however, be graduates of a recognized veterinary college or university. (Sec. 16.) (Dig. Opin. J. A. G., January, 1918.)

[2] See chapter entitled "Volunteers," paragraph 1389.

1344k. *Discharge of officers on approved findings of efficiency board, etc.*—At any time the moral character, capacity, and general fitness for the service of any National Guard officer may be determined by an efficiency board of three commissioned officers, senior in rank to the officer whose fitness for service shall be under investigation, and if the findings of such board be unfavorable to such officer and be approved by the official authorized to appoint such an officer, he shall be discharged. Commissions of officers of the National Guard may be vacated upon resignation, absence without leave for three months, upon the recommendation of an efficiency board,[1] or pursuant to sentence of a court-martial. *Sec. 77, id.*

1344l. *Transfer of officers to National Guard Reserve on their application or when rendered surplus by disbandment of their organizations.*—Officers of said guard rendered surplus by the disbandment of their organizations shall be placed in the National Guard Reserve. Officers may, upon their own application, be placed in the said reserve.[2] *Id.*

(See paragraphs 1325o–1325u, ante.)

SUPPORT OF DEPENDENT FAMILIES.

1347a. *Applies to families of members of Organized Militia, National Guard, and Regular Army.*—The sum of $2,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of

[1] An efficiency board convened pursuant to section 77 of the national-defense act completed its action prior to August 5, 1917, recommending the discharge of certain officers of the Illinois National Guard, but no order was issued thereon until after the draft of said officers on August 5, 1917.

Held, That no valid order could be issued thereon, and that said officers may be discharged from service only under section 9 of the selective-draft act. The discharge may be made by the President for any cause which, in his judgment, would promote the public service; or it may be made by the President after determination by a board of officers that the officers in question are unfit. (War Dept. Bull. 75, Dec. 31, 1917.)

[2] The Secretary of War having approved the opinion of this office that certain officers of the administrative staffs of the several States did not constitute a part of the National Guard as organized under the national defense act, a further opinion was desired on the question whether such officers could be transferred to the National Guard reserve under section 77 of the national defense act of June 3, 1916, which provides that—

"Officers of said guard rendered surplus by the disbandment of their organizations shall be placed in the National Guard reserve."

Held, that this section has no application to officers appointed for State administrative purposes and who have not been appointed to offices having any place in the organization of the units actually maintained by the respective States.

Held further, that the authority conferred by section 78 of the national defense act for the organization of the National Guard reserve "in each State," etc., to "consist of such organizations, officers, and enlisted men, as the President may prescribe," contemplates a reserve to the active organizations maintained in the State, and that it can therefore have no officers other than those of the character provided for the active organizations maintained in the particular State. (War Dept. Bull. 26, May 7, 1917.)

War, and under such rules and regulations as he may prescribe, for the support of, at a cost of not more than $50 per month, or so much of said amount as the Secretary of War may deem necessary, and not more than such enlisted man has been contributing monthly to the support of his family at the time of his being called or drafted into the service of the United States or during his enlistment period in the Regular Army at the time of such call or draft of the Organized Militia or National Guard, the family of each enlisted man of the Organized Militia or National Guard called or drafted into the service of the United States until his discharge from such service, and the family of each enlisted man of the Regular Army until his discharge from active service therein or until the discharge of the Organized Militia or National Guard from such service if such enlisted man is at that time in active service in the Regular Army, which family during the term of service of such enlisted man has no other income, except the pay of such enlisted man, adequate for the support of said family. *Act of Aug. 29, 1916 (39 Stat. 649.)*

1347b. *Same—Action of Secretary of War to be final in all cases.*—The action of the Secretary of War in all cases provided for in this paragraph shall be final, and no right to prosecute a suit in the Court of Claims or in any other court of the United States against the Government of the United States shall accrue to such enlisted man, or to any member of the family of any such enlisted man, by virtue of the passage of this act. *Id.*

1347c. *Same—Not applicable where soldier marries after certain date; family defined.*—This paragraph shall not apply to any such enlisted man who shall marry after the fifteenth day of July, nineteen hundred and sixteen; and the word "family" shall include only wife, children, and dependent mothers. *Id.*

1347d. *Same—Amendment of provision so as to cover enlistments made before and after call of the President, etc.*—The sum of $2,000,000, therein appropriated to be expended under the direction of the Secretary of War for the support of the family of each enlisted man of the Organized Militia or National Guard, or of the Regular Army, as therein provided, shall be available to be paid on the basis of and for time subsequent to June eighteenth, nineteen hundred and sixteen, the date of the call by the President, and the time for which such payment shall be made shall correspond with the time of service of the enlisted men, and payment shall be made without reference to the enlisted men having enlisted before or after the call by the President. *Sec. 901, Act of Sept. 8, 1916 (39 Stat. 801), amending Act of Aug. 29, 1916 (39 Stat. 649).*

1347e. *Same—Appropriation for continuation of, under same conditions as original appropriation.*—For the support of dependent families of enlisted men, including the same objects and under the

same limitations specified in the appropriation for this purpose in the Army Appropriation Act for the fiscal year nineteen hundred and seventeen as amended by section nine hundred and one of the Act entitled "An Act to increase the revenue, and for other purposes," approved September eighth, nineteen hundred and sixteen, $4,250,000. *Act of Dec. 22, 1916 (39 Stat. 859).*

1347f. *Support of dependent families, time limit for filing application for.*—For the support of dependent families of enlisted men, including the same objects and under the same limitations specified in the appropriations for this purpose in the Army appropriation Act for the fiscal year nineteen hundred and seventeen as amended by section nine hundred and one of the Act, entitled " An Act to increase the revenue, and for other purposes," approved September eighth, nineteen hundred and sixteen, $2,000,000: *Provided*, That the provision in the Act of August twenty-ninth, nineteen hundred and sixteen, as amended by section nine hundred and one of the Act of September eighth, nineteen hundred and sixteen, for the Federal support of families of enlisted men shall, with respect to enlisted men belonging to organizations of the Oreganized Militia or National Guard which entered the service of the United States under the calls of the President of May ninth, nineteen hundred and sixteen, and June eighteenth, nineteen hundred and sixteen, and enlisted men of the Regular Army who by the provisions of Acts above cited are beneficiaries thereof only during the time the Organized Militia or National Guard continue in the service of the United States under said calls, apply only to applications stated in the form prescribed by the Secretary of War which are received in the office of the Depot Quartermaster, Washington, District of Columbia, on or before June thirtieth, nineteen hundred and seventeen.[1] *Act of Apr. 17, 1917 (40 Stat. 11).*

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[1] The following questions were submitted for decision:

(*a*) Are the families of enlisted men belonging to National Guard organizations which were in the service of the United States under the President's call of June 18, 1916, and which were mustered out of said service, entitled to the benefits of the act of August 29, 1916, as amended, while in the service of the United States under the President's call of March 25, 1917?

(*b*) Are the families of enlisted men belonging to organizations brought into the Federal service under the President's call of June 18, 1916, still entitled to the benefits of the act of August 29, 1916, as amended, where such organizations remain continuously in service under said call pursuant to the orders sus-suspending the original orders for their muster out?

(*c*) Are the families of enlisted men of the Regular Army entitled to the benefits of the act of August 29, 1916, as amended, so long as there remain in the service of the United States any organization of the National Guard under the call of June 18, 1916, or do the benefits of the statutes extend to include such period as National Guard organizations may be in the service of the United States under the call of March 25, 1917?

Held, that the legislation for the relief of dependent families of soldiers (act of Aug. 29, 1916, as amended by the act of Sept. 8, 1917, 39 Stat., 649, 801) was enacted with reference to enlisted men belonging to National Guard organizations brought into the service under calls made by the President prior to

1349a. *Men enlisted to bring organizations up to minimum entitled to pay from date of enlistment to date of muster in or rejection.*—Nothing in this Act or previous Acts of Congress shall be construed to prohibit the paying of men enlisted by State authorities of any State for militia organization for the purpose of bringing said organization up to the minimum necessary to permit of the muster in the said organization, from the date of such enlistments to the date of muster in or from date of enlistment to date of rejection, after physical examination.[1] *Act of Aug. 29, 1916 (39 Stat. 624).*

1349b. *Transportation to their homes of members of National Guard who have been discharged because of dependent families.*—When members of the National Guard, who have been mustered into the service of the United States, have been discharged under the order of the War Department which provides that members of the National Guard with dependent families may be mustered out, transportation from their position on the Mexican border to their homes may be authorized by the Secretary of War. *Id. 633.*

1351a. *Permanent annual appropriation.*—A sum of money shall hereafter be appropriated annually, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the National Guard, including the expense of providing arms, ordnance stores, quartermaster stores, and camp equipage, and all other military supplies for issue to the National Guard, and such other expenses pertaining to the said guard as are now or may hereafter be authorized by law. *Sec. 67, Act of June 3, 1916 (39 Stat. 199).*

(See paragraphs 1352–1355.)

1351b. *Apportionment among States and Territories.*—The appropriation provided for in this section shall be apportioned among the

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such legislation, and to enlisted men of the Regular Army in active service during the continuance of the National Guard service under such calls, and to none others; and that in order that those organizations responding to the call of March 25, 1917, and those retained in service, as specified in that call, may be on an equal footing, so far as family benefits are concerned, it must be held that they are all in the service under the call of March 25, 1917, those organizations which had not been discharged but were retained in the service having ceased to be in the service under the call of June 18, 1916, from and after March 25, 1917. All three questions should, therefore, be answered in the negative.

The present crisis in national affairs has brought on new conditions, and Congress being in session at this time if it desires to continue the payment for the support of the families of enlisted men of National Guard organizations brought into the service or continued in the service under the President's call of March 25, 1917, and of certain enlisted men of the Regular Army, legislation expressive of such desire should be enacted at this time. There will thus be an opportunity to place all on an equal footing. (Comp. Treas., Apr. 9, 1917; War Dept. Bull 26, May 7, 1917.)

[1] *Held*, that in the case of enlisted men recruited for the purpose of bringing a National Guard organization up to the maximum strength, who are mustered in, payment may be made from the date of enlistment to the date of muster in, but that in the case of those similarly enlisted who are rejected, after physical examination, there is no authority for their payment from Federal funds for the time between the date of enlistment and the date of rejection. (Comp. Treas., Sept. 30, 1916. War Dept. Bull. 47, Nov. 16, 1916.)

several States and Territories under just and equitable procedure to be prescribed by the Secretary of War and in direct ratio to the number of enlisted men in active service in the National Guard existing in such States and Territories at the date of apportionment of said appropriation, and to the District of Columbia, under such regulations as the President may prescribe. *Id.*

(See paragraphs 1353–1355.)

1351c. *Same—Allotments available for what purposes.*—The sum so apportioned among the several States, Territories, and the District of Columbia, shall be available under such rules as may be prescribed by the Secretary of War for the actual and necessary expenses incurred by officers and enlisted men of the Regular Army when traveling on duty in connection with the National Guard;[1] for the transportation of supplies furnished to the National Guard for the permanent equipment thereof; for office rent and necessary offices expenses of officers of the Regular Army on duty with the National Guard; for the expenses of the Militia Bureau, including clerical services, now authorized for the Division of Militia Affairs; for expenses of enlisted men of the Regular Army on duty with the National Guard, including quarters, fuel, light, medicines, and medical attendance; and such expenses shall constitute a charge against the whole sum annually appropriated for the support of the National Guard, and shall be paid therefrom and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges; for the hiring of horses and draft animals for the use of mounted troops, batteries, and wagons; for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneuvers, and field instruction as the Secretary of War may deem necessary; and for such other expenses pertaining to the National Guard as are now or may hereafter be authorized by law. *Id.*

(See paragraphs 1351–1355.)

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[1] In the case of an officer of the Ordnance Department directed to make an inspection of Field Artillery material in the hands of the National Guard.

Held, that he was entitled to actual expenses of travel, and not mileage, for travel in the performance of such duty, payable from the $2,000 appropriation for "inspection of material pertaining to Field Artillery and Signal Corps in the hands of the National Guard" (39 Stat. 647). (War Dept. Bull. 3, Jan. 19, 1917.)

A reserve officer making an inspection of the records and accounts of the National Guard is entitled to mileage, but is not entitled to be reimbursed for actual expenses. Section 67 of the national defense act appropriates funds for the actual and necessary expenses incurred by officers and enlisted men of the Regular Army when traveling on duty in connection with the National Guard, but such funds are not available to pay expenses of reserve officers. (War Dept. Bull. 72, Dec. 24, 1917.)

1351d. *Same—Appointment and duties of property and disbursing officer in connection with.*—The governor of each State and Territory and the commanding general of the National Guard of the District of Columbia shall appoint, designate, or detail, subject to the approval of the Secretary of War, an officer of the National Guard of the State, Territory, or District of Columbia who shall be regarded as property and disbursing officer for the United States. He shall receipt and account for all funds and property belonging to the United States in possession of the National Guard of his State, Territory, or District, and shall make such returns and reports concerning the same as may be required by the Secretary of War. The Secretary of War is authorized, on the requisition of the governor of a State or Territory or the commanding general of the National Guard of the District of Columbia, to pay to the property and disbursing officer thereof so much of its allotment out of the annual appropriation for the support of the National Guard as shall, in the judgment of the Secretary of War, be necessary for the purposes enumerated therein. He shall render, through the War Department, such accounts of Federal funds intrusted to him for disbursement as may be required by the Treasury Department. Before entering upon the performance of his duties as property and disbursing officer he shall be required to give good and sufficient bond to the United States, the amount thereof to be determined by the Secretary of War, for the faithful performance of his duties and for the safe-keeping and proper disposition of the Federal property and funds intrusted to his care. He shall, after having qualified as property and disbursing officer, receive pay for his services at a rate to be fixed by the Secretary of War, and such compensation shall be a charge against the whole sum annually appropriated for the support of the National Guard. *Id. 209.*

The following questions were presented for decision:

(*a*) Whether a retired officer of the Regular Army, appointed as an officer of the National Guard and detailed as property and disbursing officer, can receive the pay as property and disbursing officer provided for by section 67, act of June 3, 1916, and the National Guard pay provided by section 109, act of June 3, 1916, in addition to his retired pay of the Regular Army.

(*b*) Whether a retired enlisted man of the Regular Army, appointed as an officer of the National Guard and detailed as property and disbursing officer, can receive the pay as property and disbursing officer provided by section 67 of the act of June 3, 1916, and the National Guard pay provided by section 109 of the act cited, in addition to his pay as an enlisted man, retired, of the Regular Army.

Section 74 of the national-defense act of June 3, 1916, specifying the class from which National Guard officers may be selected, includes retired officers of the Regular Army, but does not include retired enlisted men except as they may become eligible by enlisting in the National Guard.

Held, as to (*a*), that the effect of the statutory provision for the appointment of retired officers of the Regular Army as officers in the National Guard is to give a retired officer so appointed the pay provided for in sections 67 and 109 of the national-defense act in addition to his retired pay in the Army; and, as to (*b*), that, inasmuch as the statute does not provide for the entry of re-

1351e. *Same—Expenses of while traveling on official duty.*—When traveling in the performance of his official duties under orders issued by the proper authorities he shall be reimbursed for his actual necessary traveling expenses, the sum to be made a charge against the allotment of the State, Territory, or District of Columbia. *Id.*

1351f. *Same—Annual inspection of property and accounts by an inspector general of the Army.*—The Secretary of War shall cause an inspection of the accounts and records of the property and disbursing officer to be made by an inspector general of the Army at least once each year. *Id.*

1351g. *Secretary of War to make necessary rules and regulations for enforcing foregoing provisions.*—The Secretary of War is empowered to make all rules and regulations necessary to carry into effect the provisions of this section. *Id.*

1351h. *Noncompliance with this Act by any State or Territory debars it from pecuniary benefit, etc.*—Whenever any State shall, within a limit of time to be fixed by the President, have failed or refused to comply with or enforce any requirement of this Act, or any regulation promulgated thereunder and in aid thereof by the President or the Secretary of War, the National Guard of such State shall be debarred, wholly or in part, as the President may direct, from receiving from the United States any pecuniary or other aid, benefit, or privilege authorized or provided by this Act or any other law. *Sec. 116, id. 212.*

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tired enlisted men into the National Guard, previous decisions are applicable (20 Comp. Dec., 49, and 23 *Id.*, 444), which are to the effect that the pay of a retired enlisted man of the Army while in the Federal service as a member of the Organized Militia or National Guard should be discontinued; in other words, that there is no prohibition against the commissioning of a retired enlisted man in the National Guard, after his enlistment therein, and then appointing him property and disbursing officer and paying him therefor from the amount appropriated from Federal funds, but during such time he will not be entitled to continue to draw his retired pay as an enlisted man of the Army. Accordingly, question (*a*) answered in the affirmative and question (*b*) in the negative. (Comp. Treas., May 21, 1917; War Dept. Bull. 34, June 8, 1917.)

A National Guard organization, which had been previously called into Federal service, was mustered out of the Federal service on March 26, 1917, and used for guard duty in State service for some weeks thereafter. Certain engineer, ordnance, and quartermaster supplies belonging to the Federal Government, which had been issued to this organization were retained after its muster-out of Federal service, and were continued in use by it as a National Guard organization, while engaged in such guard duty. The transfer of accountability for the property from the accountable officer in Federal service to the property and disbursing officer of the United States for the State in question, was not made at or immediately subsequent to the muster-out as directed by the War Department. *Held*, that the National Guard officer who, pursuant to orders from the State authorities, thereafter inventoried and transferred such property to the property and disbursing officer, was not entitled to pay for his services from Federal funds, since such work was not done for the Federal Government nor at the instance of an officer of the Federal Government who had authority to direct it to be done. Any claim for pay which he may have will be against the State. (Dig. Opin. J. A. G., February, 1918.)

1354a. *Purchase from War Department of articles issued by its supply departments to Army.*—Whenever it shall be shown to the satisfaction of the Secretary of War that the National Guard of any State, Territory, or the District of Columbia, is properly organized, armed, and equipped for field service, funds allotted to that State, Territory, or District for the support of its National Guard may be used for the purchase, from the War Department, of any article issued by any of the supply departments of the Army. *Sec. 83, id. 204.*

(For the provisions of this section preceding this paragraph see paragraphs 1358a, and 1358b.)

1354b. *Same—Purchase of stores, supplies, material of war, and military publications.*—Any State, Territory, or the District of Columbia may, with the approval of the Secretary of War, purchase for cash from the War Department for the use of the National Guard, including the officers thereof, any stores, supplies, material of war, and military publications furnished to the Army, in addition to those issued under the provisions of this Act, at the price at which they shall be listed to the Army, with cost of transportation added. The funds received from such sale shall be credited to the appropriation to which they shall belong, shall not be covered into the Treasury, and shall be available until expended to replace therewith the supplies sold to the States in the manner herein authorized. *Sec. 86, id.*

(For the ensuing provision of this section see paragraph 1366a.)

1355a. *Secretary of War to submit annual estimates of amount necessary for.*—The Secretary of War shall cause to be estimated annually the amount necessary for carrying out the provisions of so much of this Act as relates to the militia, and no money shall be expended under said provisions except as shall from time to time be appropriated for carrying them out. *Sec. 119, id. 213.*

1355b. *Appropriation for arms, equipment, stores, supplies, etc., and such other expenses as may be authorized by law.*—For providing arms, ordnance stores, quartermaster stores, camp equipage, and all other military supplies for issue to the National Guard; for the promotion of rifle practice, including the acquisition, construction, maintenance and equipment of shooting galleries and suitable target ranges; for the hire of horses and draft animals for the use of mounted troops, batteries, and wagons; for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneuvers, and field instruction as the Secretary of War may deem necessary; and for such other expenses pertaining to the National Guard as are now or may hereafter be authorized by law, $1,000,000. *Act of Aug. 29, 1916 (39 Stat. 646).*

1355c. *Appropriation for arms, uniform, equipment, etc., for National Guard.*—To procure by purchase or manufacture and issue from time to time to the National Guard upon requisition of the governors of the several States and Territories, or the commanding general, National Guard of the District of Columbia, such number of United States service arms with all accessories, Field Artillery and Coast Artillery material, engineer, signal, and sanitary material, accouterments, field uniforms, clothing, equipage, publications, and military stores of all kinds, including public animals, as are necessary to arm, uniform, and equip for field service the National Guard in the several States, Territories, and the District of Columbia.[1] *Id. 647.*

1355d. *Same—Available for material and equipment for instruction of members of National Guard at Aviation School.*—Of the sum herein appropriated, $76,000, or so much thereof as may be required, may, in the discretion of the Secretary of War, be made available for the purchase and maintenance of material and equipment necessary for the proper instruction in military avaiation of such officers and enlisted men of the National Guard as may be authorized by the War Department to attend the United States Aviation School. *Id.*

1355e. *All money appropriated for arming, equipping, and training the National Guard to constitute one fund.*—All the money hereinbefore appropriated for arming, equipping, and training the National Guard shall be disbursed and accounted for as such, and for that purpose shall constitute one fund. *Id.*

1355f. *Unexpended balances appropriated and allotted under Sec. 1661, R. S.*—Any funds appropriated under section sixteen hundred and sixty-one, Revised Statutes, for the fiscal year nineteen hundred and sixteen or former years and remaining on August twenty-ninth, nineteen hundred and sixteen, to the credit of any State, the Territory of Hawaii, or the District of Columbia, shall remain available only to the end of the fiscal year nineteen hundred and eighteen for expenditures authorized by law. *Act of May 12, 1917 (40 Stat. 66).*

1356a. *Annual inspection by an inspector general as to property, organization, personnel, equipment, etc.*—The Secretary of War shall cause an inspection to be made at least once each year by inspectors general and if necessary by other officers of the Regular Army detailed by him for that purpose to determine whether the amount and condition of the property in the hands of the National Guard is satisfactory; whether the National Guard is organized as hereinbefore prescribed; whether the officers and enlisted men possess the physical and other qualifications prescribed; whether the organi-

[1] The total appropriation authorized in paragraph 1355c is $2,000,000.

zation and the officers and enlisted men thereof are sufficiently armed, uniformed, equipped, and being trained and instructed for active duty in the field or coast defense, and whether the records are being kept in accordance with the requirements of this Act. *Sec. 93, Act of June 3, 1916 (39 Stat. 206).*

1356b. *Same—Report to serve as basis for issue and retention of military property and for determining what organizations, etc., constitute part of National Guard.*—The reports of such inspections shall serve as the basis for deciding as to the issue to and retention by the National Guard of the military property provided for by this Act, and for determining what organizations and individuals shall be considered as constituting parts of the National Guard within the meaning of this Act. *Id.*

1357a. *Inspectors of small-arms practice, National Guard, etc., in Federal service.*—So much of this appropriation as may be necessary for the purpose shall be available to pay inspectors and assistant inspectors of small-arms practice of the Organized Militia and National Guard who responded to the call of the President of June eighteenth, nineteen hundred and sixteen, the pay and allowances appropriate to their grade from the dates they would have been entitled to pay had their services been authorized to the dates on which they were mustered out or their services were otherwise terminated; and the proper accounting officers of the Treasury be, and they are hereby, directed to allow credit for any such payments which have heretofore been made to such officers from the appropriation from which made. *Act of May 12, 1917 (40 Stat. 45).*

1358a. *Cost of ordnance issued to militia to be credited to appropriation.*—Hereafter the cost to the Ordnance Department of all ordnance and ordnance stores issued to the States, Territories, and District of Columbia, under the Act of February twelfth, eighteen hundred and eighty-seven,[1] shall be credited to the appropriation for "manufacture of arms at national armories," and used to procure like ordnance stores, and that said appropriation shall be available until exhausted, not exceeding two years.—*Act of June 13, 1890 (26 Stat. 156).*

1358b. *Supply of arms and equipment.*—The Secretary of War is hereby authorized to procure, under such regulations as the President may prescribe, by purchase or manufacture, within the limits of available appropriations made by Congress, and to issue from time to time to the National Guard, upon requisition of the governors of the Several States and Territories or the commanding general of the National Guard of the District of Columbia, such number of

[1] The act of February 12, 1887 (24 Stat. 401), was an act to amend section 1161 of th Revised Statutes, making an annual appropriation to provide arms and equipment for the militia.

United States service arms, with all accessories, Field Artillery matériel, Engineer, Coast Artillery, signal and sanitary matériel, accouterments, field uniforms, clothing, equipage, publications, and military stores of all kinds, including public animals, as are necessary to arm, uniform, and equip for field service the National Guard in the several States, Territories, and the District of Columbia. *Sec. 83, Act of June 3, 1916 (39 Stat. 203).*

1358c. *Same—Care and protection of.*—As a condition precedent to the issue of any property as privided for by this Act, the State, Territory, or the District of Columbia desiring such issue shall make adequate provision, to the satisfaction of the Secretary of War, for the protection and care of such property. *Id. 204.*

(For ensuing provision of this section see paragraph 1354a, ante.)

1359a. *New property issued to replace obsolete or condemned prior issues.*—Each State, Territory, and the District of Columbia shall, on the receipt of new property issued to replace obsolete or condemned prior issues, turn in to the War Department or otherwise dispose of, in accordance with the directions of the Secretary of War, all property so replaced or condemned, and shall not receive any money credit therefor. *Sec. 85, id.*

1359b. *Disposition and replacement of damaged or destroyed property.*—All military property issued to the National Guard as herein provided shall remain the property of the United States. Whenever any such property issued to the National Guard in any State or Territory or the District of Columbia shall have been lost, damaged, or destroyed, or become unserviceable or unsuitable by use in service or from any other cause, it shall be examined by a disinterested surveying officer of the Regular Army or the National Guard, detailed by the Secretary of War, and the report of such surveying officer shall be forwarded to the Secretary of War, or to such officer as he shall designate to receive such reports; and if it shall appear to the Secretary of War from the record of survey that the property was lost, damaged, or destroyed through unavoidable causes, he is hereby authorized to relieve the State or Territory or the District of Columbia from further accountability therefor. If it shall appear that the loss, damage, or destruction of property was due to carelessness or neglect, or that its loss, damage, or destruction could have been avoided by the exercise of reasonable care, the money value of such property shall be charged to the accountable State, Territory, or District of Columbia, to be paid from State, Territory, or District funds, or any funds other than Federal. If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War[1] shall

[1] In order to facilitate action on the property account of militia authorities of Hawaii, it was proposed to delegate to the commanding general, Hawaiian

direct what disposition, by sale or otherwise, shall be made of them; and if sold, the proceeds of such sale, as well as stoppages against officers and enlisted men, and the net proceeds of collections made from any person or from any State, Territory, or District to reimburse the Government for the loss, damage, or destruction of any property, shall be deposited in the Treasury of the United States as a credit to said State, Territory, or the District of Columbia, accountable for said property, and as a part of and in addition to that portion of its allotment set aside for the purchase of similar supplies, stores, or material of war. *See 87, id.*

1359c. *Same—Penalty on failure of State or Territory to pay for lost or damaged property charged against it.*—If any State, Territory, or the District of Columbia shall neglect or refuse to pay, or to cause to be paid, the money equivalent of any loss, damage, or destruction of property charged against such State, Territory, or the District of Columbia by the Secretary of War after survey by a disinterested officer appointed as hereinbefore provided, the Secretary of War is hereby authorized to debar such State, Territory, or the District of Columbia from further participation in any and all appropriations for the National Guard until such payments shall have been made. *Id. 205.*

1359d. *Same—Disposition of proceeds of sales of condemned stores not charged to State allotments.*—The net proceeds of the sale of condemned stores issued to the National Guard and not charged to State allotments shall be covered into the Treasury of the United States, as shall also stoppages against officers and enlisted men, and the net proceeds of collections made from any person to reimburse the Government for the loss, damage, or destruction of said property not charged against the State allotment issued for the use of the National Guard. *Sec. 88, id.*

1359e. *Removal of accountability for issued property lost or destroyed prior to December 31, 1911.*—The Secretary of War is hereby authorized to relieve any State, Territory, or the District of Columbia from further accountability for all United States property issued

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Department, authority to act for the Secretary of War on reports of survey for the Territory of Hawaii. Section 87, act of June 3, 1916, provides that—"if it shall appear to the Secretary of War from the record of survey that the property was lost, damaged, or destroyed through unavoidable causes, he is hereby authorized to relieve the State or Territory or the District of Columbia from further accountability therefor," but that if damaged through negligence the money value of the property is to be charged to the State, etc., and "to be paid from State, Territory, or District funds, *or any funds other than Federal.*" Upon the question whether the proposed authority could be delegated,

Held, that the statute confers upon the Secretary of War a discretionary or judicial authority, not a ministerial one, and that within well-settled rules of law such authority can not be delegated as proposed; and that the action should be limited, therefore, to authorizing the examination of such reports by the department commander, the same to be forwarded to the War Department with his recommendation for final action by the Secretary of War. (War Dept. Bull. 34, June 8, 1917.)

thereto for the use of the Organized Militia thereof which the records of the War Department show to have been lost or destroyed prior to December thirty-first, nineteen hundred and eleven. *Act of Aug. 29, 1916 (39 Stat. 646).*

1361a. *Arms, equipment, and uniform to be same as for Regular Army.*—The National Guard of the United States shall, as far as practicable, be uniformed, armed, and equipped with the same type of uniforms, arms, and equipments as are or shall be provided for the Regular Army.[1] *Sec. 82, Act of June 3, 1916 (39 Stat. 203).*

1361b. *Supplying and exchanging Infantry equipment, National Guard.*—For the purpose of manufacturing, procuring, exchanging, and issuing model of nineteen hundred and ten equipment to the Infantry and other dismounted organizations of the National Guard of the several States, Territories, and the District of Columbia: *Provided*, That whenever in the opinion of the Secretary of War a sufficient number of Infantry equipment, model of nineteen hundred and ten, shall have been procured and shall be available for the purpose the Secretary of War is hereby authorized to issue on the requisition of the governors of the several States and Territories, or the commanding general of the District of Columbia National Guard, such numbers thereof as are required for equipping the National Guard in said States, Territories, and the District of Columbia, without charging the cost or value thereof or any expenses connected therewith against any allotments to said States, Territories, or the District of Columbia. *Act of Aug. 29, 1916 (39 Stat. 647).*

1361c. *Same—To remain the property of United States and be annually accounted for.*—The equipment thus issued shall be receipted for and shall remain the property of the United States and be annually accounted for by the governors of the several States, Territories, and the commanding general of the District of Columbia National Guard as now required by law, and that each State, Territory, and the District of Columbia shall, upon receipt of new equipment, turn in to the Ordnance Department of the United States Army, without receiving any money credit therefor and without expense for transportation of Infantry equipment now in its possession, the property of the United States, and replaced by articles of the model of nineteen hundred and ten equipment, $400,000. *Id. 648.*

1361d. *Supplying and exchanging infantry equipment, National Guard.*—Whenever in the opinion of the Secretary of War a sufficient number of Infantry equipment, model of nineteen hundred and ten, shall have been procured and shall be available for the purpose the Secretary of War is hereby authorized to issue on the requisition

[1] Home guard may not, without authority therefor from the Secretary of War, wear any uniform which bears a prohibited similarity to the uniform of the United States, but the Secretary of War has power to grant such authority on condition that the uniform bear some mark or insignia distinguishing it from the uniform prescribed for the United States Army. (War Dept. Bull. 67, Sept. 30, 1917.)

of the governors of the several States and Territories or the commanding general of the District of Columbia National Guard, such numbers thereof as are required for equipping the National Guard in said States, Territories, and the District of Columbia, without charging the cost or value thereof or any expenses connected therewith, against any allotment to said States, Territories, or the District of Columbia, provided that the equipment thus issued shall be receipted for and shall remain the property of the United States and be annually accounted for in the manner prescribed by the Act of June third, nineteen hundred and sixteen, and that each State, Territory, and the District of Columbia shall, upon receipt of new equipment, turn in to the Ordnance Department of the United States Army, without receiving any money credit therefor and without expense for transportation of Infantry equipment now in its possession, the property of the United States, and replaced by articles of the model of nineteen hundred and ten equipment. *Act of May 12, 1917 (40 Stat. 68).*

1361e. *Issue of arms and ammunition to States, Territories, and District of Columbia for equipment of home guards.*—The Secretary of War during this existing emergency be, and he is hereby, authorized, in his discretion, to issue from time to time to the several States and Territories and the District of Columbia for the equipment of such home guards[1] having the character of State police or constabu-

[1] During the present war a State may lawfully raise and maintain troops which resemble in all or almost all respects the well-known militia of the several States as it hitherto existed for service within its own boundaries exclusively. These forces are capable of being called by the Nation into the service of the United States for the usual constitutional purposes, and the members as individuals can be drafted by the Federal Government, but are not subject to draft under second paragraph of section 1 of the national-defense act as members of the National Guard. (War Dept. Bull. 67, Nov. 30, 1917.)

Home guards may not, without authority therefor from the Secretary of War, wear any uniform which bears a prohibited similarity to the uniform of the United States, but the Secretary of War has power to grant such authority on condition that the uniform bear some mark or insignia distinguishing it from the uniform prescribed for the United States Army. (Id.)

Settlers upon public lands who enlist in any of the home-guard organizations of the various States are not entitled to have their services therein counted as equivalent to residence for the purpose of completing their titles to the said lands. The act of July 28, 1917, grants such a right to men who are actually engaged in the military service of the United States and to those who are members of organizations for offense or defense authorized by Congress in time of war. The home-guard organizations are not authorized by Congress but by the several States, and are in the nature of State police or constabulary. The national-defense act of June 3, 1916, and act of June 14, 1917, merely recognize the authority of the various States to establish and maintain such organizations for their own purposes. (Dig. Opin. J. A. G., January, 1918.)

Where a State has failed to enact appropriate legislation to obtain the benefits of the Federal appropriations for its National Guard provided for in Revised Statutes, section 1661 as amended (34 Stat. 449), as superseded by the national-defense act of June 3, 1916 (39 Stat. 166), and where the National Guard of such State has been drafted into the Federal service, the right of the governor of such State to raise and equip a temporary military force to be known as a State police or constabulary is recognized by section 61 of said act. By the act of June 14, during the present emergency, rifles, ammunition, etc., for its equipment. (*Id.*, February, 1918.)

lary as may be organized by the several States and Territories and District of Columbia, and such other home guards as may be organized under the direction of the governors of the several States and Territories and the Commissioners of the District of Columbia or other State troops or militia, such rifles and ammunition therefor, cartridge belts, haversacks, canteens, in limited amounts as available supplies will permit, provided that the property so issued shall remain the property of the United States and shall be receipted for by the governors of the several States and Territories and Commissioners of the District of Columbia and accounted for by them under such regulations and upon furnishing such bonds or security as the Secretary of War may prescribe, and that any property so issued shall be returned to the United States on demand when no longer needed for the purposes for which issued, or if, in the judgment of the Secretary of War, an exigency requires the use of the property for Federal purposes. *Act of June 14, 1917 (40 Stat. 181).*

1361f. *Same—Use of rifle ranges extended to.*—All home guards, State troops and militia receiving arms and equipments as herein provided shall have the use, in the discretion of the Secretary of War and under such regulations as he may prescribe, of rifle ranges owned or controlled by the United States of America. *Id.*

1364a. *Field Artillery, Organized Militia, horses for, care of same, etc.*—For the purpose of this section the total number of horses shall not exceed thirty-two to any one battery or four to each battalion or regimental headquarters, and that such horses shall be used exclusively for Field Artillery purposes: *And provided further*, That the men to be so compensated, not to exceed five for each battery, shall be duly enlisted therein and shall be detailed by the battery commander under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State provided for in the Act of January twenty-first, nineteen hundred and three,[1] entitled, "An Act to promote the efficiency of the Militia, and for other purposes," as amended. *Act of Mar. 4, 1915 (38 Stat. 1071).*

1364b. *Same—Horses to conform to standards for Regular Army and remain property of United States, etc.*—The funds appropriated by section sixteen hundred and sixty-one, Revised Statutes, and by the Act entitled "An Act to promote the efficiency of the militia, and for other purposes," approved May twenty-seventh, nineteen hundred and eight,[1] as amended, shall be available for the purchase under such regulations as the Secretary of War may prescribe,

[1] See paragraph 1356, ante, or 32 Stat. 777.

of horses conforming to the Regular Army standards, said horses to remain the property of the United States and to be for the sole continuous use of the Field Artillery of the Organized Militia. *Id.*

1364c. *Same—Secretary of War may issue condemned Army horses* to.—The Secretary of War may, under the provisions of this Act and such regulations as he may prescribe, issue to the Field Artillery organizations hereinbefore mentioned and without cost to the State condemned Army horses which are no longer fit for service but may still be suitable for purposes of instruction, the same to be sold as now provided by law when the latter purpose has been served. *Id. 1072.*

(See paragraphs 1364l, 1364j, post.)

1364d. *Field Artillery material for Organized Militia, accounting for.*—For the purpose of procuring Field Artillery material for the Organized Militia of the several States, Territories, and the District of Columbia, without cost to the said States, Territories, or the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories, or the commanding general of the Militia of the District of Columbia, to issue said Artillery material to the Organized Militia; and the sum of $1,000,000 is hereby appropriated and made immediately available and to remain available until the end of the fiscal year nineteen hundred and fifteen for the procurement and issue of the articles constituting the same. *Act of Mar. 2, 1913 (37 Stat. 721).*

1364e. *Same.*—For the purpose of manufacturing Field Artillery material for the Organized Militia of the several States, Territories, and the District of Columbia, without cost to the said States, Territories, or the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories or the commanding general of the Militia of the District of Columbia, to issue said Artillery material to the Organized Militia; and the sum of $2,090,000 is hereby appropriated and made immediately available and to remain available until the end of the fiscal year nineteen hundred and seventeen, for the manufacture and issue of the articles constituting the same.

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[1] See paragraph 1354, ante.

Provided, That not more than $170,000 of this appropriation may be used for the purchase of Field Artillery material. *Act of Mar. 4, 1915 (38 Stat. 1083)*.

1364f. *Field artillery material for the National Guard.*—For the purpose of manufacturing field artillery material for the National Guard of the several States, Territories, and the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories or the commanding general of the National Guard of the District of Columbia, to issue said artillery material to the National Guard; and the sum of $10,000,000 is hereby appropriated and made immediately available and to remain available until the end of the fiscal year nineteen hundred and eighteen, for the manufacture and issue of the articles constituting the same: *Provided*, That not more than $5,000,000 of this appropriation may be used for the purchase of field artillery material. *Act of Aug. 29, 1916 (39 Stat. 644)*.

1364g. *Field artillery ammunition for the Organized Militia.*—For the purpose of manufacturing reserve ammunition for Field Artillery for the Organized Militia for the several States, Territories, and the District of Columbia, the funds to be immediately available and to remain available until the end of the fiscal year ending June thirtieth, nineteen hundred and seventeen, $2,900,000.

Provided, That not more than $100,000 of this appropriation may be used in the purchase of field artillery reserve ammunitions. *Act of Mar. 4, 1915 (38 Stat. 1083)*.

1364h. *Ammunition for Field Artillery for the National Guard.*—For the purpose of manufacturing reserve ammunition for Field Artillery for the National Guard of the several States, Territories, and the District of Columbia, the funds to be immediately available, and to remain available until the end of the fiscal year ending June thirtieth, nineteen hundred and eighteen, $10,000,000.

Provided, That not more than $5,000,000 of this appropriation may be used in the purchase of field artillery reserve ammunition. *Act of Aug. 29, 1916 (39 Stat. 644)*.

1364i. *Funds allotted available for purchase of horses for Field Artillery and Cavalry.*—Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase, under such regulations as the Secretary of War may prescribe, of horses conforming to the Regular Army standards for the use of Field Artillery and Cavalry of the National Guard, said horses to remain the property of the United States and to be used solely for military purposes. *Sec. 89, Act of June 3, 1916 (39 Stat. 205)*.

1364j. *Same—Number to be issued to battery or troop, or issuance of condemned Army Horses in lieu of purchase.*—Horses so purchased may be issued not to exceed thirty-two to any one battery or troop, under such regulations as the Secretary of War may prescribe, and the Secretary of War is further authorized to issue, in lieu of purchase, for the use of such organizations, condemned Army horses which are no longer fit for service, but which may be suitable for the purposes of instruction, such horses to be sold as now provided by law when said purposes shall have been served. *Id.*

(See paragraphs 1364a–1364c, ante.)

1364k. *Same—Forage, bedding, shoeing, and care of, etc.*—Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government horses issued to any battery or troop, and for the compensation of competent help for the care of the material, animals, and equipment thereof, under such regulations as the Secretary of War may prescribe. *Sec. 90, id.*

1364l. *Same—Not to exceed five enlisted men for each battery or troop to be detailed for care of.*—The men to be compensated, not to exceed five for each battery or troop, shall be duly enlisted therein and shall be detailed by the battery or troop commander, under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia. *Id.*

1364m. *Horses for Field Artillery, Cavalry, and other mounted units of National Guard.*—To provide for the purchase, under such regulations as the Secretary of War may prescribe, of horses conforming to the Regular Army standards for the use of Field Artillery, Cavalry, signal companies, engineer companies, ambulance companies, and other mounted units of the National Guard, said horses to remain the property of the United States and to be used solely for military purposes. Horses so purchased may be issued not to exceed thirty-two to any one battery, troop, or company, or four to a battalion or regimental headquarters, under such regulations as the Secretary of War may prescribe. *Act of Aug. 29, 1916 (39 Stat. 645).*

1364n. *Compensation for care of material, animals, and equipment.*—To provide for the compensation of competent help for the care of matériel, animals, and equipment thereof, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be compensated, not to exceed five for each battery, troop, or company, shall be duly enlisted therein and shall be detailed by the battery, troop, or company commander under such regulations as the Secretary of War may prescribe, and shall be paid by the

United States disbursing officer in each State, Territory, and the District of Columbia. *Id.*

1364o. *Transfer of horses and pack mules to National Guard organizations.*—The Secretary of War is hereby authorized to transfer to those organizations of the National Guard entitled thereto such number of horses and pack mules purchased by the Quartermaster Corps of the Army under the provisions of the Act of July first, nineteen hundred and sixteen,[1] not required for the proper equipment of organizations of the Regular Army, that can be issued to National Guard organizations under the regulations prescribed by the Secretary of War, all expenses incident to such transfer to be met from appropriations made for and on behalf of the National Guard; pack mules so transferred may be issued not to exceed six to any one radio company, machine-gun troop or company, or four to any one ambulance company, under such regulations as the Secretary of War may prescribe. *Act of May 12, 1917 (40 Stat. 65).*

1365a. *Supplying new types of small arms or field guns.*—Under such regulations as the President may prescribe, whenever a new type of equipment, small arm, or field gun shall have been issued to the National Guard of the several States, Territories, and the District of Columbia, such equipment, small arms, and field guns, including all accessories, shall be furnished without charging the cost or value thereof or any expense connected therewith against the appropriations provided for the support of the National Guard. *Sec. 84, Act of June 3, 1916 (39 Stat. 204).*

1366a. *Stores, supplies, and matériel of war purchased by States and Territories may, in time of war, be requisitioned by United States.*—Stores, supplies, and matériel of war so purchased by a State, Territory, or the District of Columbia may, in time of actual or threatened war, be requisitioned by the United States for use in the military service thereof, and when so requisitioned by the United States and delivered credit for the ultimate return of such property in kind shall be allowed to such State, Territory, or the District of Columbia. *Sec. 86, id.*

(For the preceding provision of this section see paragraph 1354b.)

1367a. *Militia Coast Artillery, equipment of armories.—Equipment of armories.*—Equipment of Coast Artillery, armories, Organized Militia.—Dummy guns and mortars, mounts for dummy guns and mortars, dummy ammunition, loading appliances, range and position finding equipment, aiming and laying devices, subcaliber tubes and mountings therefor, labor and material necessary to install dummy guns and mortars, and to provide appliances and devices for

[1] Urgent deficiencies appropriations for the Military and Naval Establishments (39 Stat. 337).

instructional purposes in armory buildings provided by States for Coast Artillery companies of the Organized Militia, to be immediately available and to remain available until expended, * * *. *Act of Apr. 27, 1914 (38 Stat. 360).*

1372a. *District of Columbia, lease of armory, etc., for.*—The commanding general of the Militia of the District of Columbia is authorized to enter into a contract or contracts for the lease of an armory, stable, drill shed, and warehouse for Cavalry, Field Artillery, Signal Corps, and Hospital Corps troops in one building, or separately, for a period not to exceed five years, renewable at the option of the said commanding general for an additional period of not exceeding five years, at an annual rental not to exceed $10,000. *Act of Mar. 3, 1917 (39 Stat. 1040).*

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VOLUNTEERS.

1383a. *Volunteer divisions of infantry, not to exceed four, may be raised, organized and equipped; officers for.*—The President is further authorized to raise and maintain by voluntary enlistment, to organize, and equip, not to exceed four infantry divisions, the officers of which shall be selected in the manner provided by paragraph three[1] of section one of this Act. *Par. 7, sec. 1, Act of May 18, 1917 (40 Stat. 77).*

(For paragraph 6, section 1, see paragraph 1636, post.)

1383b. *Same—Organization shall be same as for Regular Army.*—The organization of said force shall be the same as that of the corresponding organization of the Regular Army. *Id.*

1383c. *Same—Age limit for enlistment in.*—There shall be no enlistments in said force of men under twenty-five years of age at time of enlisting. *Id.*

1383d. *Same—Division smallest unit which will be accepted.*—No such volunteer force shall be accepted in any unit smaller than a division. *Id.*

1383e. *Extra pay on muster out in lieu of furlough, etc.*—In lieu of granting leaves of absence and furloughs to officers and enlisted men belonging to companies and regiments of United States Volunteers prior to muster out of the service, all officers and enlisted men belonging to volunteer organizations hereafter mustered out of the service who have served honestly and faithfully beyond the limits of the United States shall be paid two months' extra pay on muster out and discharge from the service, and all officers and enlisted men

[1] See paragraph 1630, post, or 40 Stat. 76.

belonging to organizations hereafter mustered out of the service who have served honestly and faithfully within the limits of the United States shall be paid one month's extra pay on muster out and discharge from the service, from any money in the Treasury not otherwise appropriated. *Sec. 1, Act of Jan. 12, 1899 (30 Stat. 784).*

1383f. *Discharge to be of date of muster out of organization.*—The discharge of all officers and enlisted men from the volunteer service of the United States shall, as far as practicable, take effect on the date of the muster out of the organization to which they belong, and that regiments and other independent organizations shall be mustered out at camps within the limits of the United States or at the rendezvous of the State, regiment, or independent organization. *Id.*

1383g. *Certificates of nonindebtedness on discharge of officers accountable for public property.*—Officers who at any time were accountable or responsible for public property shall be required, before final payment is made to them on discharge from the service, to obtain certificates of nonindebtedness to the United States from only such of the bureaus of the War Department to which the property for which they were accountable or responsible pertains, and the certificate from the Chief of the Division of Bookkeeping and Warrants, Treasury Department, and such certificates, accompanied by the affidavits of officers, of nonaccountability or nonresponsibility to other bureaus of the War Department, certified to by the commanding officer of the regiment or independent organization, shall warrant their final payment. *Sec. 2, id.*

1383h. *Same—Affidavit of officers not accountable sufficient.*—Officers who have not been responsible at any time for public property shall be required to make affidavit of that fact, certified to by their commanding officers, which shall be accepted as sufficient evidence to warrant their final payment on their discharge from the service. *Id.*

1383i. *Same—Mustering officers authorized to administer oaths.*—Mustering officers are empowered to administer oaths in all matters pertaining to the muster out of volunteers. *Id.*

1383j. *Extra pay on muster out, payable to legal representatives.*—The Act of January twelfth, eighteen hundred and ninety-nine, be, and it is hereby amended so as to authorize the payment to the legal heirs or representatives of the officers and enlisted men who died or were killed or who may die in the service, the extra pay provided for in that Act for officers and enlisted men who have been or are to be mustered out. *Act of Mar. 3, 1899 (30 Stat. 1074).*

1394a. *Pay and allowances of.*—In all matters relating to the pay and allowances of officers and soldiers of the Army of the United States, the same rules and regulations shall apply to the Regular Army and to volunteer forces mustered into the service of the United States for a limited period. *Sec. 1292, R. S.*

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1413a. *Prohibition of permits to Indians to go into Texas repealed.*—So much of section four of the Act of May eleventh, eighteen hundred and eighty (Twenty-first Statutes at Large, page one hundred and thirty-two), as prohibits granting permission in writing or otherwise to any Indian or Indians on any Indian reservation to go into the State of Texas, under any pretext whatever, be, and the same is hereby, repealed. *Act of May 18, 1916 (39 Stat. 128).*

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1415a. *Declaration of existence of war between the Imperial German Government and the Government of the United States.*—The state of war between the United States and the Imperial German Government which has thus been thrust upon the United States is hereby formally declared; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial German Government; and to bring the conflict to a successful termination all of the re-

sources of the country are hereby pledged by the Congress of the United States.[1] *Joint Resolution of Apr. 6, 1917 (40 Stat. 1).*

1415b. *Vessels within jurisdiction of the United States belonging to its enemies to be taken over.*—The President be, and he is hereby, authorized to take over to the United States the immediate possession and title of any vessel within the jurisdiction thereof, including the Canal Zone and all territories and insular possessions of the United States except the American Virgin Islands, which at the time of coming into such jurisdiction was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war when such vessel shall be taken, or was flying the flag of or was under register of any such nation or any political subdivision or municipality thereof; and, through the United States Shipping Board, or any department or agency of the Government, to operate, lease, charter, and equip such vessel in any service of the United States, or in any commerce, foreign or coastwise.—*Sec. 1, Joint Resolution of May 12, 1917 (40 Stat. 75).*

1415c. *Same—Appointment of board of survey to ascertain value of such vessels.*—The Secretary of the Navy be, and he is hereby, authorized and directed to appoint, subject to the approval of the President, a board of survey, whose duty it shall be to ascertain the actual value of the vessel, its equipment, appurtenances, and all property contained therein, at the time of its taking, and to make a written report of their findings to the Secretary of the Navy, who shall preserve such report with the records of his department. These findings shall be considered as competent evidence in all proceedings on any claim for compensation. *Sec. 2, id.*

TREASON.

1415d. *Treason defined.*—Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason. *Sec. 1, Act of Mar. 4, 1909, Criminal Code (35 Stat. 1088).*

(This section reenacts section 5331, Revised Statutes, which it repeals.)

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[1] The preamble to this resolution recites that "Whereas the Imperial German Government has committed repeated acts of war against the Government and the people of the United States of America: Therefore be it resolved," etc. Upon the question raised as to the "date of commencement of the present war" with reference to the action which should be taken on claims of officers and enlisted men for property destroyed in the military service under the act of Congress approved March 3, 1885, providing that the act "shall not apply to losses sustained in time of war or hostilities with Indians."

Held, that the date of the commencement of the present war should be regarded as the date of the approval of the joint resolution of Congress of April 6, 1917, formally declaring a state of war as existing between the United States and the Imperial German Government. (War Dept. Bull. 49, Aug. 22, 1917.)

1415e. *Same—Punishment for.*—Whoever is convicted of treason shall suffer death; or, at the discretion of the court, shall be imprisoned not less than five years and fined not less than ten thousand dollars, to be levied on and collected out of any or all of his property, real and personal, of which he was the owner at the time of committing such treason, any sale or conveyance to the contrary notwithstanding; and every person so convicted of treason shall, moreover, be incapable of holding any office under the United States. *Sec. 2, id.*

(This section substantially reenacts section 5332, Revised Statutes, which is repealed.)

1415f. *Misprision of treason defined; punishment of.*—Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be imprisoned not more than seven years and fined not more than one thousand dollars. *Sec. 3, id.*

(This section reenacts section 5333, Revised Statutes, which is repealed.)

1415g. *Inciting, etc., rebellion or insurrection; punishment for.*—Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be imprisoned not more than ten years, or fined not more more than ten thousand dollars, or both; and shall, moreover, be incapable of holding any office under the United States. *Sec. 4, id.*

(This section is a substantial reenactment of section 5334, Revised Statutes, which is repealed.)

1415h. *Criminal correspondence with foreign governments; punishment for; redress of private injuries.*—Every citizen of the United States, whether actually resident or abiding within the same, or in any place subject to the jurisdiction thereof, or in any foreign country, without permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign government or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the Government of the United States; and every person, being a citizen of or resident within the United States or in any place subject to the jurisdiction thereof, and not duly authorized, counsels, advises, or assists in any such correspondence with such intent, shall be fined not more than five thousand dollars and imprisoned not more than three years; but nothing in this sec-

tion shall be construed to abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects. *Sec. 5, id.*

(This section is a substantial reenactment of section 5335, Revised Statutes, which is repealed.)

1415i. *Seditious conspiracy, punishment for.*—If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than five thousand dollars, or imprisoned not more than six years, or both. *Sec. 6, id, 1089.*

(This section is a substantial reenactment of section 5336, Revised Statutes, which is repealed.)

1415j. *Recruiting for service against the United States, punishment for.*—Whoever recruits soldiers or sailors within the United States, or in any place subject to the jurisdiction thereof, to engage in armed hostility against the same, or opens within the United States, or in any place subject to the jurisdiction thereof, a recruiting station for the enlistment of such soldiers or sailors to serve in any manner in armed hostility against the United States, shall be fined not more than one thousand dollars and imprisoned not more than five years. *Sec. 7, id.*

(This section is a substantial reenactment of section 5337, Revised Statutes, which is repealed.)

1415k. *Enlisting to serve against the United States, punishment for.*—Every person enlisted or engaged within the United States or in any place subject to the jurisdiction thereof, with intent to serve in armed hostility against the United States, shall be fined one hundred dollars and imprisoned not more than three years. *Sec. 8, id.*

(This section is a substantial reenactment of section 5338, Revised Statutes, which is repealed.)

TRADING WITH THE ENEMY.

1420a. *Definition of act.*—This Act shall be known as the "Trading with the enemy Act." *Sec. 1, Act of Oct. 6, 1917 (40 Stat. 411).*

1420b. "*Enemy*" *defined.*—The word "enemy," as used herein, shall be deemed to mean, for the purposes of such trading and of this Act—

Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied

by the military and naval forces) of any nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of any nation with which the United States is at war or incorporated within any country other than the United States and doing business within such territory.

The government of any nation with which the United States is at war, or any political or municipal subdivision thereof, or any officer, official, agent, or agency thereof.

Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "enemy." *Sec. 2, id.*

1420c. "*Ally of enemy*" *defined.*—The words "ally of enemy," as used herein, shall be deemed to mean—

Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation which is an ally of a nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of such ally nation, or incorporated within any country other than the United States and doing business within such territory.

The government of any nation which is an ally of a nation with which the United States is at war, or any political or municipal subdivision of such ally nation, or any officer, official, agent, or agency thereof.

Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation which is an ally of a nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "ally of enemy." *Id.*

1420d. "*Person*" *defined.*—The word "person," as used herein, shall be deemed to mean an individual, partnership, association, company, or other unincorporated body of individuals, or corporation or body politic. *Id., 412.*

1420e. "*United States*" *defined.*—The words "United States," as used herein, shall be deemed to mean all land and water, continental or insular, in any way within the jurisdiction of the United States or occupied by the military or naval forces thereof. *Id.*

1420f. "*Beginning of the war*" *defined.*—The words "the beginning of the war," as used herein, shall be deemed to mean midnight ending the day on which Congress has declared or shall declare war or the existence of a state of war. *Id.*

1420g. "*End of the war*" *defined.*—The words "end of the war," as used herein, shall be deemed to mean the date of proclamation of exchange of ratifications of the treaty of peace, unless the President shall, by proclamation, declare a prior date, in which case the date so proclaimed shall be deemed to be the "end of the war" within the meaning of this Act. *Id.*

1420h. "*Bank or banks*" *defined.*—The words "bank or banks," as used herein, shall be deemed to mean and include national banks, State banks, trust companies, or other banks or banking associations doing business under the laws of the United States, or of any State of the United States. *Id.*

1420i. "*To trade*" *defined.*—The words "to trade," as used herein, shall be deemed to mean—

Pay, satisfy, compromise, or give security for the payment or satisfaction of any debt or obligation.

Draw, accept, pay, present for acceptance or payment, or indorse any negotiable instrument or chose in action.

Enter into, carry on, complete, or perform any contract, agreement, or obligation.

Buy or sell, loan or extend credit, trade in, deal with, exchange, transmit, transfer, assign, or otherwise dispose of, or receive any form of property.

To have any form of business or commercial communication or intercourse with. *Id.*

(For sections 3, 4, 5, and 6 of this act see paragraphs 1425a–1425u, and 1424a–1424f, post.)

1420j. *Act not to be construed as validating act, etc., constituting trade with, etc., enemy since beginning of war and prior to passage of act otherwise void.*—Nothing in this Act contained shall render valid or legal, or be construed to recognize as valid or legal, any act or transaction constituting trade with, to, from, for or on account of, or on behalf or for the benefit of an enemy performed or engaged in since the beginning of the war and prior to the passage of this Act, or any such act or transaction hereafter performed or engaged in except as authorized hereunder, which would otherwise have been or be void, illegal, or invalid at law. *Sec. 7, id., 416.*

(For the provisions of this section preceding this paragraph see paragraphs 1427a–1427g, post.)

1420k. *Conveyances, etc., in violation of section three without license not to confer right or remedy in respect thereof; assignee,*

indorsee, etc., of debt, note, etc., by, from, etc., of enemy, etc., not to have right or remedy, etc.—No conveyance, transfer, delivery, payment, or loan of money or other property, in violation of section three hereof, made after the passage of this Act, and not under license as herein provided shall confer or create any right or remedy in respect thereof; and no person shall by virtue of any assignment, indorsement, or delivery to him of any debt, bill, note, or other obligation or chose in action by, from, or on behalf of, or on account of, or for the benefit of an enemy or ally of enemy have any right or remedy against the debtor, obligor, or other person liable to pay, fulfill, or perform the same unless said assignment, indorsement, or delivery was made prior to the beginning of the war or shall be made under license as herein provided, or unless, if made after the beginning of the war and prior to the date of passage of this Act, the person to whom the same was made shall prove lack of knowledge and of reasonable cause to believe on his part that the same was made by, from or on behalf of, or on account of, or for the benefit of an enemy or ally of enemy; and any person who knowingly pays, discharges, or satisfies any such debt, note, bill, or other obligation or chose in action shall, on conviction thereof, be deemed to violate section three hereof.[1] *Id., 417.*

1420l. *Payment of obligations assigned to person not an enemy, etc., prior to beginning of war.*—Nothing in this Act contained shall prevent the carrying out, completion, or performance of any contract, agreement, or obligation originally made with or entered into by an enemy or ally of enemy where, prior to the beginning of the war and not in contemplation thereof, the interest of such enemy or ally of enemy devolved by assignment or otherwise upon a person not an enemy or ally of enemy, and no enemy or ally of enemy will be benefited by such carrying out, completion, or performance otherwise than by release from obligation thereunder. *Id.*

1420m. *Payments by enemy, etc., to person in United States not enemy made prior to beginning of war.*—Nothing in this Act shall be deemed to prevent payment of money belonging or owing to an enemy or ally of enemy to a person within the United States not an enemy or ally of enemy, for the benefit of such person or of any other person within the United States, not an enemy or ally of enemy, if the funds so paid shall have been received prior to the beginning of the war and such payments arise out of transactions entered into prior to the beginning of the war, and not in contemplation thereof. *Id.*

[1] See paragraphs 1425a–1425f, post.

1420n. *Same—License therefor.*—Such payment shall not be made without the license of the President, general or special, as provided in this Act. *Id.*

1420o. *Suits or actions in courts in United States by enemy or ally of enemy prior to end of war not authorized by act.*—Nothing in this Act shall be deemed to authorize the prosecution of any suit or action at law or in equity in any court within the United States by an enemy or ally of enemy prior to the end of the war, except as provided in section ten hereof. *Id.*

1420p. *Same—Exceptions as to enemy licensed to do business under Act.*—An enemy or ally of enemy licensed to do business under this Act may prosecute and maintain any such suit or action so far as the same arises solely out of the business transacted within the United States under such license and so long as such license remains in full force and effect. *Id.*

1420q. *Same—Right of enemy, etc., to defend by counsel.*—An enemy or ally of enemy may defend by counsel any suit in equity or action at law which may be brought against him. *Id.*

1420r. *Notice from President that person is enemy, etc., prima facie defense in suit or action.*—Receipt of notice from the President to the effect that he has reasonable ground to believe that any person is an enemy or ally of enemy shall be prima facie defense to any one receiving the same, in any suit or action at law or in equity brought or maintained, or to any right or set-off or recoupment asserted by, such person and based on failure to complete or perform since the beginning of the war any contract or other obligation. *Id.*

1420s. *Same—Notice from President that person is enemy, etc., prima facie evidence in prosecution under section 16 of act.*—In any prosecution under section sixteen[1] hereof, proof of receipt of notice from the President to the effect that he has reasonable cause to believe that any person is an enemy or ally of enemy shall be prima facie evidence that the person receiving such notice has reasonable cause to believe such other person to be an enemy or ally of enemy within the meaning of section three hereof. *Id.*

(For the ensuing provisions of this section see paragraphs 1424g-1424m, post.)

ALIEN PROPERTY CUSTODIAN.

1424a. *Appointment, salary, general powers and duties.*—The President is authorized to appoint, prescribe the duties of, and fix the salary (not to exceed $5,000 per annum) of an official to be known as the alien property custodian, who shall be empowered to receive all money and property in the United States due or belonging

[1] See paragraph 1425ss, post.

to an enemy, or ally of enemy, which may be paid, conveyed, transferred, assigned, or delivered to said custodian under the provisions of this Act; and to hold, administer, and account for the same under the general direction of the President and as provided in this Act. *Sec. 6, Id., 415.*

(For sections 3, 4, and 5 of this act see paragraphs 1425a–1425u, post.)

1424b. *Same—Bond.*—The alien property custodian shall give such bond or bonds, and in such form and amount, and with such security as the President shall prescribe. *Id.*

1424c. *Clerks, attorneys, investigators, etc., for.*—The President may further employ in the District of Columbia and elsewhere and fix the compensation of such clerks, attorneys, investigators, accountants, and other employees as he may find necessary for the due administration of the provisions of this Act. *Id.*

1424d. *Same—Appointment of from Civil Service list.*—Such clerks, investigators, accountants, and other employees shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil-service law. *Id.*

1424e. *Annual report to Congress of proceedings under act.*—The President shall cause a detailed report to be made to Congress on the first day of January of each year of all proceedings had under this Act during the year preceding. *Id.*

1424f. *Same—List showing number and compensation of employees, and kinds of property taken, etc.*—Such report shall contain a list of all persons appointed or employed, with the salary or compensation paid to each, and a statement of the different kinds of property taken into custody and the disposition made thereof. *Id.*

1424g. *Requiring property owned by, etc., enemy or ally of enemy conveyed, etc., to alien property custodian.*—If the President shall so require, any money or other property owning or belonging to or held for, by, on account of, or on behalf of, or for the benefit of an enemy or ally of enemy not holding a license granted by the President hereunder, which the President after investigation shall determine is so owing or so belongs or is so held, shall be conveyed, transferred, assigned, delivered, or paid over to the alien property custodian. *Sec. 7, id, 418.*

(For the provisions of this section immediately preceding this paragraph see paragraphs 1420j–1420s, ante.)

1424h. *Voluntary payment of property, etc., of enemy or ally of enemy to alien property custodian, when authorized.*—If not required to pay, convey, transfer, assign, or deliver under the provisions of subsection (c) hereof, any person not an enemy or ally of enemy who owes to, or holds for, or on account of, or on behalf of, or for the benefit of an enemy or of an ally of enemy not holding a

license granted by the President hereunder, any money or other property, or to whom any obligation or form of liability to such enemy or ally of enemy is presented for payment, may, at his option, with the consent of the President, pay, convey, transfer, assign, or deliver to the alien property custodian said money or other property under such rules and regulations as the President shall prescribe. *Id.*

1424i. *Acts done under order, rule, or regulations of President not to create liability in court.*—No person shall be held liable in any court for or in respect to anything done or omitted in pursuance of any order, rule, or regulation made by the President under the authority of this Act. *Id.*

1424j. *Effect of payment or delivery of property, etc., to alien property custodian.*—Any payment, conveyance, transfer, assignment, or delivery of money or property made to the alien property custodian hereunder shall be a full acquittance and discharge for all purposes of the obligation of the person making the same to the extent of same. *Id.*

1424k. *Acknowledgment, receipt, etc., of conveyance, etc., of property to alien property custodian.*—The alien property custodian and such other persons as the President may appoint shall have power to execute, acknowledge, and deliver any such instrument or instruments as may be necessary or proper to evidence upon the record or otherwise such acquittance and discharge, and shall, in case of payment to the alien property custodian of any debt or obligation owed to an enemy or ally of enemy, deliver up any notes, bonds, or other evidences of indebtedness or obligation, or any security therefor in which such enemy or ally of enemy had any right or interest that may have come into the possession of the alien property custodian, with like effect as if he or they, respectively, were duly appointed by the enemy or ally of enemy, creditor, or obligee. *Id.*

1424l. *Certificate of appointment of alien property custodian; evidence in all courts of United States.*—The President shall issue to every person so appointed a certificate of the appointment and authority of such person, and such certificate shall be received in evidence in all courts within the United States. *Id.*

1424m. *Same—Record of by courts, and certified copy of such record to be received in evidence.*—Whenever any such certificate of authority shall be offered to any registrar, clerk, or other recording officer, Federal or otherwise, within the United States, such officer shall record the same in like manner as a power of attorney, and such record or a duly certified copy thereof shall be received in evidence in all courts of the United States or other courts within the United States. *Id.*

1424n. *Contracts, mortgages, pledges, etc., held by persons not enemy or ally of enemy against or with enemy or ally of enemy;*

holding, enforcement, disposing, etc., thereof.—Any person not an enemy or ally of enemy holding a lawful mortgage, pledge, or lien, or other right in the nature of security in property of an enemy or ally of enemy which, by law or by the terms of the instrument creating such mortgage, pledge, or lien, or right, may be disposed of on notice or presentation or demand, and any person not an enemy or ally of enemy who is a party to any lawful contract with an enemy or ally of enemy, the terms of which provide for a termination thereof upon notice or for acceleration of maturity on presentation or demand, may continue to hold said property, and, after default, may dispose of the property in accordance with law or may terminate or mature such contract by notice or presentation or demand served or made on the alien property custodian in accordance with the law and the terms of such instrument or contract and under such rules and regulations as the President shall prescribe; and such notice and such presentation and demand shall have, in all respects, the same force and effect as if duly served or made upon the enemy or ally of enemy personally. *Sec. 8, Id., 418.*

1424o. *Same—Rules and regulations therefor.*—No such rule or regulation shall require that notice or presentation or demand shall be served or made in any case in which, by law or by the terms of said instrument or contract, no notice, presentation, or demand was, prior to the passage of this Act, required; and that in case where, by law or by the terms of such instrument or contract, notice is required, no longer period of notice shall be required. *Id., 419.*

1424p. *Same—Disposition of surplus.*—If, on any such disposition of property, a surplus shall remain after the satisfaction of the mortgage, pledge, lien, or other right in the nature of security, notice of that fact shall be given to the President pursuant to such rules and regulations as he may prescribe, and such surplus shall be held subject to his further order. *Id.*

1424q. *Abrogation of contracts with enemy or ally of enemy providing for delivery during or after war of things produced, etc., in United States, notice.*—Any contract entered into prior to the beginning of the war between any citizen of the United States or any corporation organized within the United States, and an enemy or ally of an enemy, the terms of which provide for the delivery, during or after any war in which a present enemy or ally of enemy nation has been or is now engaged, of anything produced, mined, or manufactured in the United States, may be abrogated by such citizen or corporation by serving thirty days' notice in writing upon the alien property custodian of his or its election to abrogate such contract. *Id.*

1424r. *Suspension of running of statutes of limitations relating to rights or remedies on contracts, etc., made prior to war; contracts*

included.—The running of any statute of limitations shall be suspended with reference to the rights or remedies on any contract or obligation entered into prior to the beginning of the war between parties neither of whom is an enemy or ally of enemy, and containing any promise to pay or liability for payment which is evidenced by drafts or other commercial paper drawn against or secured by funds or other property situated in an enemy or ally of enemy country, and no suit shall be maintained on any such contract or obligation in any court within the United States until after the end of the war, or until the said funds or property shall be released for the payment or satisfaction of such contract or obligation. *Id.*

1424s. *Same—Suspension of running of other statutes of limitations.*—Nothing herein contained shall be construed to prevent the suspension of the running of the statute of limitations in all other cases where such suspension would occur under existing law. *Id.*

1424t. *Claims to property, etc., transferred, etc., to alien property custodian by persons not enemy or ally of enemy; notice, filing, form, delivery of property to claimant, and order for.*—Any person, not an enemy, or ally of enemy, claiming any interest, right, or title in any money or other property which may have been conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder, and held by him or by the Treasurer of the United States, or to whom any debt may be owing from an enemy, or ally of enemy, whose property or any part thereof shall have been conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder, and held by him or by the Treasurer of the United States, may file with the said custodian a notice of his claim under oath and in such form and containing such particulars as the said custodian shall require; and the President, if application is made therefor by the claimant, may, with the assent of the owner of said property and of all persons claiming any right, title, or interest therein, order the payment, conveyance, transfer, assignment or delivery to said claimant of the money or other property so held by the alien property custodian or by the Treasurer of the United States or of the interest therein to which the President shall determine said claimant is entitled. *Sec. 9, id.*

1424u. *Order for not bar to suit to establish right, etc., against claimant.*—No such order by the President shall bar any person from the prosecution of any suit at law or in equity against the claimant to establish any right, title, or interest which he may have in such money or other property. *Id.*

1424v. *Same—Suits to establish claim to such property.*—If the President shall not so order within sixty days after the filing of such application, or if the claimant shall have filed the notice as above required and shall have made no application to the President,

said claimant may, at any time before the expiration of six months after the end of the war, institute a suit in equity in the district court of the United States for the district in which such claimant resides, or, if a corporation, where it has its principal place of business (to which suit the alien property custodian or the Treasurer of the United States, as the case may be, shall be made a party defendant), to establish the interest, right, title, or debt so claimed, and if suit shall be so instituted then the money or other property of the enemy, or ally of enemy, against whom such interest, right, or title is asserted, or debt claimed, shall be retained in the custody of the alien property custodian, or in the Treasury of the United States, as provided in this Act, and until any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied by payment or conveyance, transfer, assignment, or delivery by the defendant or by the alien property custodian or Treasurer of the United States on order of the court, or until final judgment or decree shall be entered against the claimant, or suit otherwise terminated. *Id., 420.*

1424w. *Attachment, etc., of property transferred to alien property custodian.*—Except as herein provided, the money or other property conveyed, transferred, assigned, delivered, or paid to the alien property custodian shall not be liable to lien, attachment, garnishment, trustee process, or execution, or subject to any order or decree of any court. *Id.*

1424x. *Property transferred to alien property custodian under section ten not governed by this section.*—This section shall not apply, however, to money paid to the alien property custodian under section ten[1] hereof. *Id.*

(For sections 10 and 11 of this act see paragraphs 1425v-1425w and 1431a, post.)

1424y. *Moneys, etc., transferred to alien property custodian, payment into Treasury.*—All moneys (including checks and drafts payable on demand) paid to or received by the alien property custodian pursuant to this Act shall be deposited forthwith in the Treasury of the United States, and may be invested and reinvested by the Secretary of the Treasury in United States bonds or United States certificates of indebtedness, under such rules and regulations as the President shall prescribe for such deposit, investment, and sale of securities; and as soon after the end of the war as the President shall deem practicable, such securities shall be sold and the proceeds deposited in the Treasury. *Sec. 12, id., 423.*

1424z. *Property, etc., transferred to alien property custodian, keeping, etc.; designation of depositaries.*—All other property of an enemy, or ally of enemy, conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder shall be safely held

[1] See paragraphs 1425bb, 1425hh-1425jj, etc., post.

and administered by him except as hereinafter provided; and the President is authorized to designate as a depositary, or depositaries, of property of an enemy or ally of enemy, any bank, or banks, or trust company, or trust companies, or other suitable depositary or depositaries, located and doing business in the United States. *Id.*

1424aa. *Same—Certain property to be deposited in depositaries or with Secretary of Treasury.*—The alien property custodian may deposit with such designated depositary or depositaries, or with the Secretary of the Treasury, any stocks, bonds, notes, time drafts, time bills of exchange, or other securities, or property (except money or checks or drafts payable on demand which are required to be deposited with the Secretary of the Treasury) and such depositary or depositaries shall be authorized and empowered to collect any dividends or interest or income that may become due and any maturing obligations held for the account of such custodian. Any moneys collected on said account shall be paid and deposited forthwith by said depositary or by the alien property custodian into the Treasury of the United States as hereinbefore provided. *Id.*

1424bb. *Depositaries to give bond.*—The President shall require all such designated depositaries to execute and file bonds sufficient in his judgment to protect property on deposit, such bonds to be conditioned as he may direct. *Id.*

1424cc. *General powers of alien property custodian.*—The alien property custodian shall be vested with all of the powers of a common-law trustee in respect of all property, other than money, which shall come into his possession in pursuance of the provisions of this Act, and, acting under the supervision and direction of the President, and under such rules and regulations as the President shall prescribe, may manage such property and do any act or things in respect thereof or make any disposition thereof or of any part thereof, by sale or otherwise, and exercise any rights which may be or become appurtenant thereto or to the ownership thereof, if and when necessary to prevent waste and protect such property and to the end that interests of the United States in such property and rights or of such person as may ultimately become entitled thereto, or to the proceeds thereof, may be preserved and safeguarded. *Id.*

1424dd. *Transfer by corporations, etc., on books, stocks, etc., owned by enemy or ally of enemy to alien property custodian.*—It shall be the duty of every corporation incorporated within the United States and every unincorporated association, or company, or trustee, or trustees within the United States issuing shares or certificates representing beneficial interests to transfer such shares or certificates upon its, his, or their books into the name of the alien property custodian upon demand, accompanied by the presentation of the certificates which represent such shares or beneficial interests. *Id.*

1424ee. *Proceeds of sales of property, etc., to be deposited in Treasury by alien property custodian.*—The alien property custodian shall forthwith deposit in the Treasury of the United States, as hereinbefore provided, the proceeds of any such property or rights so sold by him. *Id.*

1424ff. *Property, etc., transferred to Treasurer of United States, when.*—Any money or property required or authorized by the provisions of this Act to be paid, conveyed, transferred, assigned, or delivered to the alien property custodian shall, if said custodian shall so direct by written order, be paid, conveyed, transferred, assigned, or delivered to the Treasurer of the United States with the same effect as if to the alien property custodian. *Id.*

1424gg. *Claims of enemy or ally of enemy at end of war, settlement.*—After the end of the war any claim of any enemy or of an ally of enemy to any money or other property received and held by the alien property custodian or deposited in the United States Treasury, shall be settled as Congress shall direct. *Id., 424.*

1424hh. *Same—Payment or transfer in accordance with order of President or decree of court.*—On order of the President as set forth in section nine hereof, or of the court, as set forth in sections nine and ten hereof, the alien property custodian or the Treasurer of the United States, as the case may be, shall forthwith convey, transfer, assign, and pay to the person to whom the President shall so order, or in whose behalf the court shall enter final judgment or decree, any property of an enemy or ally of enemy held by said custodian or by said Treasurer, so far as may be necessary to comply with said order of the President or said final judgment or decree of the court. *Id.*

1424ii. *Same—Payment by Treasurer of funds deposited my licensee.*—The Treasurer of the United States, on order of the alien property custodian shall, as provided in section ten hereof, repay to the licensee any funds deposited by said licensee. *Id.*

1424jj. *Appropriation for expenses.*—The sum of $450,000 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be used in the discretion of the President for the purpose of carrying out the provisions of this Act during the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for the payment of salaries of all persons employed under this Act, together with the necessary expenses for transportation, subsistence, rental of quarters in the District of Columbia, books of reference, periodicals, stationery, typewriters and exchanges thereof, miscellaneous supplies, printing to be done at the Government Printing Office, and all other necessary expenses not included in the foregoing. *Sec. 15, id., 425.*

(For sections 13 and 14 of this act see paragraphs 1439a-1439d, post.)

CHAPTER XXXIV.

THE EMPLOYMENT OF MILITARY FORCE.

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1425e. *Censorship of communications by mail, etc.*—Whenever, during the present war, the President shall deem that the public safety demands it, he may cause to be censored under such rules and regulations as he may from time to time establish, communications by mail, cable, radio, or other means of transmission passing between the United States and any foreign country he may from time to time specify, or which may be carried by any vessel or other means of transportation touching at any port, place, or territory of the United States and bound to or from any foreign country. *Id.*

(See paragraphs 253a–253e, ante, as to the use of mails under the espionage act; and paragraphs 253f–253k, ante, relative to printing and mailing newspapers, etc., published in foreign languages.)

1425f. *Evading, etc., censorship, punishment.*—Any person who willfully evades or attempts to evade the submission of any such communication to such censorship or willfully uses or attempts to use any code or other device for the purpose of concealing from such censorship the intended meaning of such communication shall be punished as provided in section sixteen of this Act. *Id.*

1425g. *Licenses to enemy or ally of enemy insurance or reinsurance companies, etc., doing business in United States.*—Every enemy or ally of enemy insurance or reinsurance company, and every enemy or ally of enemy, doing business within the United States through an agency or branch office, or otherwise, may, within thirty days after the passage of this Act, apply to the President for a license to continue to do business; and, within thirty days after such application, the President may enter an order either granting or refusing to grant such license. *Sec. 4, id.*

1425h. *Conditions of license and revocation of.*—The license, if granted, may be temporary or otherwise, and for such period of time, and may contain such provisions and conditions regulating the business, agencies, managers and trustees and the control and disposition of the funds of the company, or of such enemy or ally of enemy, as the President shall deem necessary for the safety of the United States; and any license granted hereunder may be revoked or regranted or renewed in such manner and at such times as the President shall determine. *Id.*

1425i. *Revocation or refusal to license, notice of.*—Reasonable notice of his intent to refuse to grant a license or to revoke a license granted to any reinsurance company shall be given by him to all insurance companies incorporated within the United States and known to the President to be doing business with such reinsurance company. *Id.*

1425j. *Abrogation of existing contracts with enemy or ally of enemy insurance or reinsurance company.*—No insurance company, organized within the United States, shall be obligated to continue

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ance, shall remain in full force and effect so far as it applies to such German insurance companies, and the conditions of said proclamation of April sixth, nineteen hundred and seventeen, as modified by said proclamation of July thirteenth, nineteen hundred and seventeen, shall also during said period of thirty days after the passage of this Act, and pending the order of the President as herein provided, apply to any enemy or ally of enemy insurance or reinsurance company, anything in this Act to the contrary notwithstanding. *Id.*

1425l. *Licensed enemy or ally of enemy insurance or reinsurance companies not to transmit funds, etc., out of United States, etc.*—It shall be unlawful for any enemy or ally of enemy insurance or reinsurance company, to whom license is granted, to transmit out of the United States any funds belonging to or held for the benefit of such company or to use any such funds as the basis for the establishment directly or indirectly of any credit within or outside of the United States to, or for the benefit of, or on behalf of, or on account of, an enemy or ally of enemy. *Id.*, *414.*

1425m. *Lawful for enemy or ally of enemy to do business in United States, when and under what conditions.*—For a period of thirty days after the passage of this Act, and further pending the entry of such order by the President, after application made within such thirty days by any enemy or ally of enemy, other than an insurance or reinsurance company as above provided, it shall be lawful for such enemy or ally of enemy to continue to do business in this country and for any person to trade with, to, from, for, on account of, on behalf of or for the benefit of such enemy or ally of enemy, anything in this Act to the contrary notwithstanding. *Id.*

1425n. *Transmission, etc., of money, etc., out of United States.*—The provisions of sections three and sixteen[1] hereof shall apply to any act or attempted act of transmission or transfer of money or other property out of the United States and to the use or attempted use of such money or property as the basis for the establishment of

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receipt of any premium, return premium, or claim now due or which may become due on or in respect to insurances or re-insurances not prohibited by this proclamation.

That all funds of such German companies now in the possession of their managers or agents, or which shall hereafter come into their possession, shall be subject to such rules and regulations concerning the payment and disposition thereof as shall be prescribed by the insurance supervising officials of the State in which the principal office of such establishment in the United States is located, but in no event shall any funds belonging to or held for the benefit of such companies be transmitted outside of the United States, nor be used as the basis for the establishment, directly or indirectly, of any credit within or outside of the United States to or for the benefit or use of the enemy or any of his allies without the permission of this Government.

[1] See paragraphs 1425a–1425f, ante, and paragraph 1425ss, post.)

1420n. *Same—License therefor.*—Such payment shall not be made without the license of the President, general or special, as provided in this Act. *Id.*

1420o. *Suits or actions in courts in United States by enemy or ally of enemy prior to end of war not authorized by act.*—Nothing in this Act shall be deemed to authorize the prosecution of any suit or action at law or in equity in any court within the United States by an enemy or ally of enemy prior to the end of the war, except as provided in section ten hereof. *Id.*

1420p. *Same—Exceptions as to enemy licensed to do business under Act.*—An enemy or ally of enemy licensed to do business under this Act may prosecute and maintain any such suit or action so far as the same arises solely out of the business transacted within the United States under such license and so long as such license remains in full force and effect. *Id.*

1420q. *Same—Right of enemy, etc., to defend by counsel.*—An enemy or ally of enemy may defend by counsel any suit in equity or action at law which may be brought against him. *Id.*

1420r. *Notice from President that person is enemy, etc., prima facie defense in suit or action.*—Receipt of notice from the President to the effect that he has reasonable ground to believe that any person is an enemy or ally of enemy shall be prima facie defense to any one receiving the same, in any suit or action at law or in equity brought or maintained, or to any right or set-off or recoupment asserted by, such person and based on failure to complete or perform since the beginning of the war any contract or other obligation. *Id.*

1420s. *Same—Notice from President that person is enemy, etc., prima facie evidence in prosecution under section 16 of act.*—In any prosecution under section sixteen[1] hereof, proof of receipt of notice from the President to the effect that he has reasonable cause to believe that any person is an enemy or ally of enemy shall be prima facie evidence that the person receiving such notice has reasonable cause to believe such other person to be an enemy or ally of enemy within the meaning of section three hereof. *Id.*

(For the ensuing provisions of this section see paragraphs 1424g-1424m, post.)

ALIEN PROPERTY CUSTODIAN.

1424a. *Appointment, salary, general powers and duties.*—The President is authorized to appoint, prescribe the duties of, and fix the salary (not to exceed $5,000 per annum) of an official to be known as the alien property custodian, who shall be empowered to receive all money and property in the United States due or belonging

[1] See paragraph 1425ss, post.

United States, or the President may license such company or companies to do business upon such terms as he may deem proper. *Id.*

1425s. *Suspension of provisions of act relating to ally of enemy; licenses, etc., to do business; rules and regulations for enforcement of act.*—The President, if he shall find it compatible with the safety of the United States and with the successful prosecution of the war, may, by proclamation, suspend the provisions of this Act so far as they apply to an ally of enemy, and he may revoke or renew such suspension from time to time; and the President may grant licenses, special or general, temporary or otherwise, and for such period of time and containing such provisions and conditions as he shall prescribe, to any person or class of persons to do business as provided in subsection (a) of section four[1] hereof, and to perform any act made unlawful without such license in section three hereof, and to file and prosecute applications under subsection (b) of section ten hereof; and he may revoke or renew such licenses from time to time, if he shall be of opinion that such grant or revocation or renewal shall be compatible with the safety of the United States and with the successful prosecution of the war; and he may make such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out the provisions of this Act; and the President may exercise any power or authority conferred by this Act through such officer or officers as he shall direct. *Sec. 5, id., 415.*

1425t. *Postponement of performance of certain acts.*—If the President shall have reasonable cause to believe that any act is about to be performed in violation of section three[2] hereof he shall have authority to order the postponement of the performance of such act for a period not exceeding ninety days, pending investigation of the facts by him. *Id.*

1425u. *Regulate, etc., transactions in foreign exchange, etc., of gold or silver coin or bullion or currency, transfers of credits, etc.*—The President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, export or earmarkings of gold or silver coin or bullion or currency, transfers of credit in any form (other than credits relating solely to transactions to be executed wholly within the United States), and transfers of evidences of indebtedness or of the ownership of property between the United States and any foreign country, whether enemy, ally of enemy or otherwise; or between residents of one or more foreign countries, by any person within the United States; and he may require any such person engaged in any such transaction to furnish, under oath, complete information relative thereto, including the production of

[1] See paragraph 1425g, ante.
[2] See paragraphs 1425a–1425f, ante.

sources of the country are hereby pledged by the Congress of the United States.[1] *Joint Resolution of Apr. 6, 1917 (40 Stat. 1).*

1415b. *Vessels within jurisdiction of the United States belonging to its enemies to be taken over.*—The President be, and he is hereby, authorized to take over to the United States the immediate possession and title of any vessel within the jurisdiction thereof, including the Canal Zone and all territories and insular possessions of the United States except the American Virgin Islands, which at the time of coming into such jurisdiction was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war when such vessel shall be taken, or was flying the flag of or was under register of any such nation or any political subdivision or municipality thereof; and, through the United States Shipping Board, or any department or agency of the Government, to operate, lease, charter, and equip such vessel in any service of the United States, or in any commerce, foreign or coastwise.—*Sec. 1, Joint Resolution of May 12, 1917 (40 Stat. 75).*

1415c. *Same—Appointment of board of survey to ascertain value of such vessels.*—The Secretary of the Navy be, and he is hereby, authorized and directed to appoint, subject to the approval of the President, a board of survey, whose duty it shall be to ascertain the actual value of the vessel, its equipment, appurtenances, and all property contained therein, at the time of its taking, and to make a written report of their findings to the Secretary of the Navy, who shall preserve such report with the records of his department. These findings shall be considered as competent evidence in all proceedings on any claim for compensation. *Sec. 2, id.*

TREASON.

1415d. *Treason defined.*—Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason. *Sec. 1, Act of Mar. 4, 1909, Criminal Code (35 Stat. 1088).*

(This section reenacts section 5331, Revised Statutes, which it repeals.)

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[1] The preamble to this resolution recites that "Whereas the Imperial German Government has committed repeated acts of war against the Government and the people of the United States of America: Therefore be it resolved," etc. Upon the question raised as to the "date of commencement of the present war" with reference to the action which should be taken on claims of officers and enlisted men for property destroyed in the military service under the act of Congress approved March 3, 1885, providing that the act "shall not apply to losses sustained in time of war or hostilities with Indians."

Held, that the date of the commencement of the present war should be regarded as the date of the approval of the joint resolution of Congress of April 6, 1917, formally declaring a state of war as existing between the United States and the Imperial German Government. (War Dept. Bull. 49, Aug. 22, 1917.)

any trade-mark, print, label or cause to be carried on, a process under any patent or copyrighted matter owned or controlled by an enemy or ally of enemy at any time during the existence of a state of war may apply to the President for a license; and the President is hereby authorized to grant such a license, nonexclusive or exclusive as he shall deem best, provided he shall be of the opinion that such grant is for the public welfare, and that the applicant is able and intends in good faith to manufacture, or cause to be manufactured, the machine, manufacture, composition of matter, or design, or to carry on, or cause to be carried on, the process or to use the trade-mark, print, label, or copyrighted matter. *Id.*

1425z. *Same—Conditions of licenses and fees for same.*—The President may prescribe the conditions of this license, including the fixing of prices of articles and products necessary to the health of the military and naval forces of the United States or the successful prosecution of the war, and the rules and regulations under which such license may be granted and the fee which shall be charged therefor, not exceeding $100, and not exceeding one per centum of the fund deposited as hereinafter provided. *Id.*

1425aa. *Same—License defense to suit instituted by owners of patents, etc.*—Such license shall be a complete defense to any suit at law or in equity instituted by the enemy or ally of enemy owners of the letters patent, trade-mark, print, label, or copyright, or otherwise, against the licensee for infringement or for damages, royalty, or other money award on account of anything done by the licensee under such license, except as provided in subsection (f) hereof.[1] *Id.*

1425bb. *Statements filed by licensees with President, contents; payment to alien property custodian of per centum of receipts from sales, etc.*—The licensee shall file with the President a full statement of the extent of the use and enjoyment of the license, and of the prices received in such form and at such stated periods (at least annually) as the President may prescribe; and the licensee shall pay at such times as may be required to the alien property custodian not to exceed five per centum of the gross sums received by the licensee from the sale of said inventions or use of the trade-mark, print, label or copyrighted matter, or, if the President shall so order, five per centum of the value of the use of such inventions, trade-marks, prints, labels or copyrighted matter to the licensee as established by the President; and sums so paid shall be deposited by said alien property custodian forthwith in the Treasury of the United States as a trust fund for the said licensee and for the owner of the said patent, trade-mark, print, label or copyright registration as hereinafter provided, to be paid from the Treasury upon order of the court, as provided

[1] See paragraphs 1425ee–1425ll, post.

tion shall be construed to abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects. *Sec. 5, id.*

(This section is a substantial reenactment of section 5335, Revised Statutes, which is repealed.)

1415i. *Seditious conspiracy, punishment for.*—If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than five thousand dollars, or imprisoned not more than six years, or both. *Sec. 6, id, 1089.*

(This section is a substantial reenactment of section 5336, Revised Statutes, which is repealed.)

1415j. *Recruiting for service against the United States, punishment for.*—Whoever recruits soldiers or sailors within the United States, or in any place subject to the jurisdiction thereof, to engage in armed hostility against the same, or opens within the United States, or in any place subject to the jurisdiction thereof, a recruiting station for the enlistment of such soldiers or sailors to serve in any manner in armed hostility against the United States, shall be fined not more than one thousand dollars and imprisoned not more than five years. *Sec. 7, id.*

(This section is a substantial reenactment of section 5337, Revised Statutes, which is repealed.)

1415k. *Enlisting to serve against the United States, punishment for.*—Every person enlisted or engaged within the United States or in any place subject to the jurisdiction thereof, with intent to serve in armed hostility against the United States, shall be fined one hundred dollars and imprisoned not more than three years. *Sec. 8, id.*

(This section is a substantial reenactment of section 5338, Revised Statutes, which is repealed.)

TRADING WITH THE ENEMY.

1420a. *Definition of act.*—This Act shall be known as the "Trading with the enemy Act." *Sec. 1, Act of Oct. 6, 1917 (40 Stat. 411).*

1420b. "*Enemy*" *defined.*—The word "enemy," as used herein, shall be deemed to mean, for the purposes of such trading and of this Act—

Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied

1424ee. *Proceeds of sales of property, etc., to be deposited in Treasury by alien property custodian.*—The alien property custodian shall forthwith deposit in the Treasury of the United States, as hereinbefore provided, the proceeds of any such property or rights so sold by him. *Id.*

1424ff. *Property, etc., transferred to Treasurer of United States, when.*—Any money or property required or authorized by the provisions of this Act to be paid, conveyed, transferred, assigned, or delivered to the alien property custodian shall, if said custodian shall so direct by written order, be paid, conveyed, transferred, assigned, or delivered to the Treasurer of the United States with the same effect as if to the alien property custodian. *Id.*

1424gg. *Claims of enemy or ally of enemy at end of war, settlement.*—After the end of the war any claim of any enemy or of an ally of enemy to any money or other property received and held by the alien property custodian or deposited in the United States Treasury, shall be settled as Congress shall direct. *Id., 424.*

1424hh. *Same—Payment or transfer in accordance with order of President or decree of court.*—On order of the President as set forth in section nine hereof, or of the court, as set forth in sections nine and ten hereof, the alien property custodian or the Treasurer of the United States, as the case may be, shall forthwith convey, transfer, assign, and pay to the person to whom the President shall so order, or in whose behalf the court shall enter final judgment or decree, any property of an enemy or ally of enemy held by said custodian or by said Treasurer, so far as may be necessary to comply with said order of the President or said final judgment or decree of the court. *Id.*

1424ii. *Same—Payment by Treasurer of funds deposited my licensee.*—The Treasurer of the United States, on order of the alien property custodian shall, as provided in section ten hereof, repay to the licensee any funds deposited by said licensee. *Id.*

1424jj. *Appropriation for expenses.*—The sum of $450,000 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be used in the discretion of the President for the purpose of carrying out the provisions of this Act during the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for the payment of salaries of all persons employed under this Act, together with the necessary expenses for transportation, subsistence, rental of quarters in the District of Columbia, books of reference, periodicals, stationery, typewriters and exchanges thereof, miscellaneous supplies, printing to be done at the Government Printing Office, and all other necessary expenses not included in the foregoing. *Sec. 15, id., 425.*

(For sections 13 and 14 of this act see paragraphs 1439a–1439d, post.)

and administered by him except as hereinafter provided; and the President is authorized to designate as a depositary, or depositaries, of property of an enemy or ally of enemy, any bank, or banks, or trust company, or trust companies, or other suitable depositary or depositaries, located and doing business in the United States. *Id.*

1424aa. *Same—Certain property to be deposited in depositaries or with Secretary of Treasury.*—The alien property custodian may deposit with such designated depositary or depositaries, or with the Secretary of the Treasury, any stocks, bonds, notes, time drafts, time bills of exchange, or other securities, or property (except money or checks or drafts payable on demand which are required to be deposited with the Secretary of the Treasury) and such depositary or depositaries shall be authorized and empowered to collect any dividends or interest or income that may become due and any maturing obligations held for the account of such custodian. Any moneys collected on said account shall be paid and deposited forthwith by said depositary or by the alien property custodian into the Treasury of the United States as hereinbefore provided. *Id.*

1424bb. *Depositaries to give bond.*—The President shall require all such designated depositaries to execute and file bonds sufficient in his judgment to protect property on deposit, such bonds to be conditioned as he may direct. *Id.*

1424cc. *General powers of alien property custodian.*—The alien property custodian shall be vested with all of the powers of a common-law trustee in respect of all property, other than money, which shall come into his possession in pursuance of the provisions of this Act, and, acting under the supervision and direction of the President, and under such rules and regulations as the President shall prescribe, may manage such property and do any act or things in respect thereof or make any disposition thereof or of any part thereof, by sale or otherwise, and exercise any rights which may be or become appurtenant thereto or to the ownership thereof, if and when necessary to prevent waste and protect such property and to the end that interests of the United States in such property and rights or of such person as may ultimately become entitled thereto, or to the proceeds thereof, may be preserved and safeguarded. *Id.*

1424dd. *Transfer by corporations, etc., on books, stocks, etc., owned by enemy or ally of enemy to alien property custodian.*—It shall be the duty of every corporation incorporated within the United States and every unincorporated association, or company, or trustee, or trustees within the United States issuing shares or certificates representing beneficial interests to transfer such shares or certificates upon its, his, or their books into the name of the alien property custodian upon demand, accompanied by the presentation of the certificates which represent such shares or beneficial interests. *Id.*

1425e. *Censorship of communications by mail, etc.*—Whenever, during the present war, the President shall deem that the public safety demands it, he may cause to be censored under such rules and regulations as he may from time to time establish, communications by mail, cable, radio, or other means of transmission passing between the United States and any foreign country he may from time to time specify, or which may be carried by any vessel or other means of transportation touching at any port, place, or territory of the United States and bound to or from any foreign country. *Id.*

(See paragraphs 253a–253e, ante, as to the use of mails under the espionage act; and paragraphs 253f–253k, ante, relative to printing and mailing newspapers, etc., published in foreign languages.)

1425f. *Evading, etc., censorship, punishment.*—Any person who willfully evades or attempts to evade the submission of any such communication to such censorship or willfully uses or attempts to use any code or other device for the purpose of concealing from such censorship the intended meaning of such communication shall be punished as provided in section sixteen of this Act. *Id.*

1425g. *Licenses to enemy or ally of enemy insurance or reinsurance companies, etc., doing business in United States.*—Every enemy or ally of enemy insurance or reinsurance company, and every enemy or ally of enemy, doing business within the United States through an agency or branch office, or otherwise, may, within thirty days after the passage of this Act, apply to the President for a license to continue to do business; and, within thirty days after such application, the President may enter an order either granting or refusing to grant such license. *Sec. 4, id.*

1425h. *Conditions of license and revocation of.*—The license, if granted, may be temporary or otherwise, and for such period of time, and may contain such provisions and conditions regulating the business, agencies, managers and trustees and the control and disposition of the funds of the company, or of such enemy or ally of enemy, as the President shall deem necessary for the safety of the United States; and any license granted hereunder may be revoked or regranted or renewed in such manner and at such times as the President shall determine. *Id.*

1425i. *Revocation or refusal to license, notice of.*—Reasonable notice of his intent to refuse to grant a license or to revoke a license granted to any reinsurance company shall be given by him to all insurance companies incorporated within the United States and known to the President to be doing business with such reinsurance company. *Id.*

1425j. *Abrogation of existing contracts with enemy or ally of enemy insurance or reinsurance company.*—No insurance company, organized within the United States, shall be obligated to continue

1420n. *Same—License therefor.*—Such payment shall not be made without the license of the President, general or special, as provided in this Act. *Id.*

1420o. *Suits or actions in courts in United States by enemy or ally of enemy prior to end of war not authorized by act.*—Nothing in this Act shall be deemed to authorize the prosecution of any suit or action at law or in equity in any court within the United States by an enemy or ally of enemy prior to the end of the war, except as provided in section ten hereof. *Id.*

1420p. *Same—Exceptions as to enemy licensed to do business under Act.*—An enemy or ally of enemy licensed to do business under this Act may prosecute and maintain any such suit or action so far as the same arises solely out of the business transacted within the United States under such license and so long as such license remains in full force and effect. *Id.*

1420q. *Same—Right of enemy, etc., to defend by counsel.*—An enemy or ally of enemy may defend by counsel any suit in equity or action at law which may be brought against him. *Id.*

1420r. *Notice from President that person is enemy, etc., prima facie defense in suit or action.*—Receipt of notice from the President to the effect that he has reasonable ground to believe that any person is an enemy or ally of enemy shall be prima facie defense to any one receiving the same, in any suit or action at law or in equity brought or maintained, or to any right or set-off or recoupment asserted by, such person and based on failure to complete or perform since the beginning of the war any contract or other obligation. *Id.*

1420s. *Same—Notice from President that person is enemy, etc., prima facie evidence in prosecution under section 16 of act.*—In any prosecution under section sixteen[1] hereof, proof of receipt of notice from the President to the effect that he has reasonable cause to believe that any person is an enemy or ally of enemy shall be prima facie evidence that the person receiving such notice has reasonable cause to believe such other person to be an enemy or ally of enemy within the meaning of section three hereof. *Id.*

(For the ensuing provisions of this section see paragraphs 1424g–1424m, post.)

ALIEN PROPERTY CUSTODIAN.

1424a. *Appointment, salary, general powers and duties.*—The President is authorized to appoint, prescribe the duties of, and fix the salary (not to exceed $5,000 per annum) of an official to be known as the alien property custodian, who shall be empowered to receive all money and property in the United States due or belonging

[1] See paragraph 1425ss, post.

to an enemy, or ally of enemy, which may be paid, conveyed, transferred, assigned, or delivered to said custodian under the provisions of this Act; and to hold, administer, and account for the same under the general direction of the President and as provided in this Act. *Sec. 6, Id., 415.*

(For sections 3, 4, and 5 of this act see paragraphs 1425a–1425u, post.)

1424b. *Same—Bond.*—The alien property custodian shall give such bond or bonds, and in such form and amount, and with such security as the President shall prescribe. *Id.*

1424c. *Clerks, attorneys, investigators, etc., for.*—The President may further employ in the District of Columbia and elsewhere and fix the compensation of such clerks, attorneys, investigators, accountants, and other employees as he may find necessary for the due administration of the provisions of this Act. *Id.*

1424d. *Same—Appointment of from Civil Service list.*—Such clerks, investigators, accountants, and other employees shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil-service law. *Id.*

1424e. *Annual report to Congress of proceedings under act.*—The President shall cause a detailed report to be made to Congress on the first day of January of each year of all proceedings had under this Act during the year preceding. *Id.*

1424f. *Same—List showing number and compensation of employees, and kinds of property taken, etc.*—Such report shall contain a list of all persons appointed or employed, with the salary or compensation paid to each, and a statement of the different kinds of property taken into custody and the disposition made thereof. *Id.*

1424g. *Requiring property owned by, etc., enemy or ally of enemy conveyed, etc., to alien property custodian.*—If the President shall so require, any money or other property owning or belonging to or held for, by, on account of, or on behalf of, or for the benefit of an enemy or ally of enemy not holding a license granted by the President hereunder, which the President after investigation shall determine is so owing or so belongs or is so held, shall be conveyed, transferred, assigned, delivered, or paid over to the alien property custodian. *Sec. 7, id, 418.*

(For the provisions of this section immediately preceding this paragraph see paragraphs 1420j–1420s, ante.)

1424h. *Voluntary payment of property, etc., of enemy or ally of enemy to alien property custodian, when authorized.*—If not required to pay, convey, transfer, assign, or deliver under the provisions of subsection (c) hereof, any person not an enemy or ally of enemy who owes to, or holds for, or on account of, or on behalf of, or for the benefit of an enemy or of an ally of enemy not holding a

license granted by the President hereunder, any money or other property, or to whom any obligation or form of liability to such enemy or ally of enemy is presented for payment, may, at his option, with the consent of the President, pay, convey, transfer, assign, or deliver to the alien property custodian said money or other property under such rules and regulations as the President shall prescribe. *Id.*

1424i. *Acts done under order, rule, or regulations of President not to create liability in court.*—No person shall be held liable in any court for or in respect to anything done or omitted in pursuance of any order, rule, or regulation made by the President under the authority of this Act. *Id.*

1424j. *Effect of payment or delivery of property, etc., to alien property custodian.*—Any payment, conveyance, transfer, assignment, or delivery of money or property made to the alien property custodian hereunder shall be a full acquittance and discharge for all purposes of the obligation of the person making the same to the extent of same. *Id.*

1424k. *Acknowledgment, receipt, etc., of conveyance, etc., of property to alien property custodian.*—The alien property custodian and such other persons as the President may appoint shall have power to execute, acknowledge, and deliver any such instrument or instruments as may be necessary or proper to evidence upon the record or otherwise such acquittance and discharge, and shall, in case of payment to the alien property custodian of any debt or obligation owed to an enemy or ally of enemy, deliver up any notes, bonds, or other evidences of indebtedness or obligation, or any security therefor in which such enemy or ally of enemy had any right or interest that may have come into the possession of the alien property custodian, with like effect as if he or they, respectively, were duly appointed by the enemy or ally of enemy, creditor, or obligee. *Id.*

1424l. *Certificate of appointment of alien property custodian; evidence in all courts of United States.*—The President shall issue to every person so appointed a certificate of the appointment and authority of such person, and such certificate shall be received in evidence in all courts within the United States. *Id.*

1424m. *Same—Record of by courts, and certified copy of such record to be received in evidence.*—Whenever any such certificate of authority shall be offered to any registrar, clerk, or other recording officer, Federal or otherwise, within the United States, such officer shall record the same in like manner as a power of attorney, and such record or a duly certified copy thereof shall be received in evidence in all courts of the United States or other courts within the United States. *Id.*

1424n. *Contracts, mortgages, pledges, etc., held by persons not enemy or ally of enemy against or with enemy or ally of enemy;*

holding, enforcement, disposing, etc., thereof.—Any person not an enemy or ally of enemy holding a lawful mortgage, pledge, or lien, or other right in the nature of security in property of an enemy or ally of enemy which, by law or by the terms of the instrument creating such mortgage, pledge, or lien, or right, may be disposed of on notice or presentation or demand, and any person not an enemy or ally of enemy who is a party to any lawful contract with an enemy or ally of enemy, the terms of which provide for a termination thereof upon notice or for acceleration of maturity on presentation or demand, may continue to hold said property, and, after default, may dispose of the property in accordance with law or may terminate or mature such contract by notice or presentation or demand served or made on the alien property custodian in accordance with the law and the terms of such instrument or contract and under such rules and regulations as the President shall prescribe; and such notice and such presentation and demand shall have, in all respects, the same force and effect as if duly served or made upon the enemy or ally of enemy personally. *Sec. 8, Id., 418.*

1424o. *Same—Rules and regulations therefor.*—No such rule or regulation shall require that notice or presentation or demand shall be served or made in any case in which, by law or by the terms of said instrument or contract, no notice, presentation, or demand was, prior to the passage of this Act, required; and that in case where, by law or by the terms of such instrument or contract, notice is required, no longer period of notice shall be required. *Id., 419.*

1424p. *Same—Disposition of surplus.*—If, on any such disposition of property, a surplus shall remain after the satisfaction of the mortgage, pledge, lien, or other right in the nature of security, notice of that fact shall be given to the President pursuant to such rules and regulations as he may prescribe, and such surplus shall be held subject to his further order. *Id.*

1424q. *Abrogation of contracts with enemy or ally of enemy providing for delivery during or after war of things produced, etc., in United States, notice.*—Any contract entered into prior to the beginning of the war between any citizen of the United States or any corporation organized within the United States, and an enemy or ally of an enemy, the terms of which provide for the delivery, during or after any war in which a present enemy or ally of enemy nation has been or is now engaged, of anything produced, mined, or manufactured in the United States, may be abrogated by such citizen or corporation by serving thirty days' notice in writing upon the alien property custodian of his or its election to abrogate such contract. *Id.*

1424r. *Suspension of running of statutes of limitations relating to rights or remedies on contracts, etc., made prior to war; contracts*

any credit within or outside of the United States to, or for the benefit of, or on behalf of, or on account of, an enemy or ally of enemy. *Id.*

1425o. *Failure to apply for license within time limit, refusal or revocation of license; trading prohibited in cases of.*—If no license is applied for within thirty days after the passage of this Act, or if a license shall be refused to any enemy or ally of enemy, whether insurance or reinsurance company or other person, making application, or if any license granted shall be revoked by the President, the provisions of sections three and sixteen hereof shall forthwith apply to all trade or to any attempt to trade with, to, from, for, by, on account of, or on behalf of, or for the benefit of such company or other person. *Id.*

1425p. *Claim of policyholder or insurance company, not an enemy or ally of enemy, premiums on existing policies, etc., on revocation of or refusal to license, etc.*—After such refusal or revocation, anything in this Act to the contrary notwithstanding, it shall be lawful for a policyholder or for an insurance company, not an enemy or ally of enemy, holding insurance or having effected reinsurance in or with such enemy or ally of enemy insurance or reinsurance company, to receive payment of, and for such enemy or ally of enemy insurance or reinsurance company to pay any premium, return premium, claim, money, security, or other property due or which may become due on or in respect to such insurance or reinsurance in force at the date of such refusal or revocation of license; and nothing in this Act shall vitiate or nullify then existing policies or contracts of insurance or reinsurance, or the conditions thereof; and any such policyholder or insurance company, not an enemy or ally of enemy, having any claim to or upon money or other property of the enemy or ally of enemy insurance or reinsurance company in the custody or control of the alien property custodian, hereinafter provided for, or of the Treasurer of the United States, may make application for the payment thereof and may institute suit as provided in section nine hereof. *Id.*

1425q. *Change of name of enemy or ally of enemy.*—During the present war, no enemy, or ally of enemy, and no partnership of which he is a member or was a member at the beginning of the war, shall for any purpose assume or use any name other than that by which such enemy or partnership was ordinarily known at the beginning of the war, except under license from the President. *Id.*

1425r. *Prohibiting foreign insurance companies from doing or licensing such companies to do business in United States.*—Whenever, during the present war, in the opinion of the President the public safety or public interest requires, the President may prohibit any or all foreign insurance companies from doing business in the

said claimant may, at any time before the expiration of six months after the end of the war, institute a suit in equity in the district court of the United States for the district in which such claimant resides, or, if a corporation, where it has its principal place of business (to which suit the alien property custodian or the Treasurer of the United States, as the case may be, shall be made a party defendant), to establish the interest, right, title, or debt so claimed, and if suit shall be so instituted then the money or other property of the enemy, or ally of enemy, against whom such interest, right, or title is asserted, or debt claimed, shall be retained in the custody of the alien property custodian, or in the Treasury of the United States, as provided in this Act, and until any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied by payment or conveyance, transfer, assignment, or delivery by the defendant or by the alien property custodian or Treasurer of the United States on order of the court, or until final judgment or decree shall be entered against the claimant, or suit otherwise terminated. *Id., 420.*

1424w. *Attachment, etc., of property transferred to alien property custodian.*—Except as herein provided, the money or other property conveyed, transferred, assigned, delivered, or paid to the alien property custodian shall not be liable to lien, attachment, garnishment, trustee process, or execution, or subject to any order or decree of any court. *Id.*

1424x. *Property transferred to alien property custodian under section ten not governed by this section.*—This section shall not apply, however, to money paid to the alien property custodian under section ten[1] hereof. *Id.*

(For sections 10 and 11 of this act see paragraphs 1425v–1425w and 1431a, post.)

1424y. *Moneys, etc., transferred to alien property custodian, payment into Treasury.*—All moneys (including checks and drafts payable on demand) paid to or received by the alien property custodian pursuant to this Act shall be deposited forthwith in the Treasury of the United States, and may be invested and reinvested by the Secretary of the Treasury in United States bonds or United States certificates of indebtedness, under such rules and regulations as the President shall prescribe for such deposit, investment, and sale of securities; and as soon after the end of the war as the President shall deem practicable, such securities shall be sold and the proceeds deposited in the Treasury. *Sec. 12, id., 423.*

1424z. *Property, etc., transferred to alien property custodian, keeping, etc.; designation of depositaries.*—All other property of an enemy, or ally of enemy, conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder shall be safely held

[1] See paragraphs 1425bb, 1425hh–1425jj, etc., post.

any books of account, contracts, letters or other papers, in connection therewith in the custody or control of such person, either before or after such transaction is completed. *Id.*

ACTS PERMITTED.

1425v. *Applications for letters patent, or registration of trade-mark, etc., of copyright by enemy or ally of enemy.*—Nothing contained in this Act shall be held to make unlawful any of the following Acts:

An enemy, or ally of enemy, may file and prosecute in the United States an application for letters patent, or for registration of trade-mark, print, label, or copyright, and may pay any fees therefor in accordance with and as required by the provisions of existing law and fees for attorneys or agents for filing and prosecuting such applications. *Sec. 10, id., 420.*

1425w. *Same—Extension of time for filing applications.*—Any such enemy, or ally of enemy, who is unable during war, or within six months thereafter, on account of conditions arising out of war, to file any such application, or to pay any official fee, or to take any action required by law within the period prescribed by law, may be granted an extension of nine months beyond the expiration of said period, provided the nation of which the said applicant is a citizen, subject, or corporation shall extend substantially similar privileges to citizens and corporations of the United States. *Id.*

1425x. *Payment of tax, annuity or fee in relation to patents, etc., to enemy or ally of enemy; application for patents, etc., by citizens of United States in country of enemy, etc.*—Any citizen of the United States, or any corporation organized within the United States, may, when duly authorized by the President, pay to an enemy or ally of enemy any tax, annuity, or fee which may be required by the laws of such enemy or ally of enemy nation in relation to patents and trade-marks, prints, labels, and copyrights; and any such citizen or corporation may file and prosecute an application for letters patent or for registration of trade-mark, print, label, or copyright in the country of an enemy, or of an ally of enemy after first submitting such application to the President and receiving license so to file and prosecute, and to pay the fees required by law and customary agents' fees, the maximum amount of which in each case shall be subject to the control of the President. *Id.*

1425y. *Licenses to manufacture, use, etc., articles covered by patent, etc., owned by enemy or ally of enemy.*—Any citizen of the United States or any corporation organized within the United States desiring to manufacture, or cause to be manufactured, a machine, manufacture, composition of matter, or design, or to carry on, or to use

1424ee. *Proceeds of sales of property, etc., to be deposited in Treasury by alien property custodian.*—The alien property custodian shall forthwith deposit in the Treasury of the United States, as hereinbefore provided, the proceeds of any such property or rights so sold by him. *Id.*

1424ff. *Property, etc., transferred to Treasurer of United States, when.*—Any money or property required or authorized by the provisions of this Act to be paid, conveyed, transferred, assigned, or delivered to the alien property custodian shall, if said custodian shall so direct by written order, be paid, conveyed, transferred, assigned, or delivered to the Treasurer of the United States with the same effect as if to the alien property custodian. *Id.*

1424gg. *Claims of enemy or ally of enemy at end of war, settlement.*—After the end of the war any claim of any enemy or of an ally of enemy to any money or other property received and held by the alien property custodian or deposited in the United States Treasury, shall be settled as Congress shall direct. *Id., 424.*

1424hh. *Same—Payment or transfer in accordance with order of President or decree of court.*—On order of the President as set forth in section nine hereof, or of the court, as set forth in sections nine and ten hereof, the alien property custodian or the Treasurer of the United States, as the case may be, shall forthwith convey, transfer, assign, and pay to the person to whom the President shall so order, or in whose behalf the court shall enter final judgment or decree, any property of an enemy or ally of enemy held by said custodian or by said Treasurer, so far as may be necessary to comply with said order of the President or said final judgment or decree of the court. *Id.*

1424ii. *Same—Payment by Treasurer of funds deposited my licensee.*—The Treasurer of the United States, on order of the alien property custodian shall, as provided in section ten hereof, repay to the licensee any funds deposited by said licensee. *Id.*

1424jj. *Appropriation for expenses.*—The sum of $450,000 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be used in the discretion of the President for the purpose of carrying out the provisions of this Act during the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for the payment of salaries of all persons employed under this Act, together with the necessary expenses for transportation, subsistence, rental of quarters in the District of Columbia, books of reference, periodicals, stationery, typewriters and exchanges thereof, miscellaneous supplies, printing to be done at the Government Printing Office, and all other necessary expenses not included in the foregoing. *Sec. 15, id., 425.*

(For sections 13 and 14 of this act see paragraphs 1439a–1439d, post.)

in subdivision (f) of this section, or upon the direction of the alien property custodian. *Id.*

1425cc. *Term of licenses.*—Unless surrendered or terminated as provided in this Act, any license granted hereunder shall continue during the term fixed in the license or in the absence of any such limitation during the term of the patent, trade-mark, print, label, or copyright registration under which it is granted. *Id.*

1425dd. *Cancellation of licenses.*—Upon violation by the licensee of any of the provisions of this Act, or of the conditions of the license, the President may, after due notice and hearing, cancel any license granted by him. *Id.*

1425ee. *Suits against licensee by owner of patent, etc.*—The owner of any patent, trade-mark, print, label, or copyright under which a license is granted hereunder may, after the end of the war and until the expiration of one year thereafter, file a bill in equity against the licensee in the district court of the United States for the district in which the said licensee resides, or, if a corporation, in which it has its principal place of business (to which suit the Treasurer of the United States shall be made a party), for recovery from the said licensee for all use and enjoyment of the said patented invention, trade-mark, print, label, or copyrighted matter. *Id.*

1425ff. *Same—Notice of suits.*—Whenever suit is brought, as above, notice shall be filed with the alien property custodian within thirty days after date of entry of suit. *Id.*

1425gg. *Same—Defenses.*—The licensee may make any and all defenses which would be available were no license granted. *Id.*

1425hh. *Same—Court may award reasonable royalty.*—The court on due proceedings had may adjudge and decree to the said owner payment of a reasonable royalty. *Id.*

1425ii. *Same—Fund from which judgment and decree shall be paid.*—The amount of said judgment and decree, when final, shall be paid on order of the court to the owner of the patent from the fund deposited by the licensee, so far as such deposit will satisfy said judgment and decree; and the said payment shall be in full or partial satisfaction of said judgment and decree, as the facts may appear; and if, after payment of all such judgments and decrees, there shall remain any balance of said deposit, such balance shall be repaid to the licensee on order of the alien property custodian. *Id.*

1425jj. *Repayment of per centum deposited with alien property custodian.*—If no suit is brought within one year after the end of the war, or no notice is filed as above required, then the licensee shall not be liable to make any further deposits, and all funds deposited by him shall be repaid to him on order of the alien property custodian. *Id.*, *422.*

1425e. *Censorship of communications by mail, etc.*—Whenever, during the present war, the President shall deem that the public safety demands it, he may cause to be censored under such rules and regulations as he may from time to time establish, communications by mail, cable, radio, or other means of transmission passing between the United States and any foreign country he may from time to time specify, or which may be carried by any vessel or other means of transportation touching at any port, place, or territory of the United States and bound to or from any foreign country. *Id.*

(See paragraphs 253a–253e, ante, as to the use of mails under the espionage act; and paragraphs 253f–253k, ante, relative to printing and mailing newspapers, etc., published in foreign languages.)

1425f. *Evading, etc., censorship, punishment.*—Any person who willfully evades or attempts to evade the submission of any such communication to such censorship or willfully uses or attempts to use any code or other device for the purpose of concealing from such censorship the intended meaning of such communication shall be punished as provided in section sixteen of this Act. *Id.*

1425g. *Licenses to enemy or ally of enemy insurance or reinsurance companies, etc., doing business in United States.*—Every enemy or ally of enemy insurance or reinsurance company, and every enemy or ally of enemy, doing business within the United States through an agency or branch office, or otherwise, may, within thirty days after the passage of this Act, apply to the President for a license to continue to do business; and, within thirty days after such application, the President may enter an order either granting or refusing to grant such license. *Sec. 4, id.*

1425h. *Conditions of license and revocation of.*—The license, if granted, may be temporary or otherwise, and for such period of time, and may contain such provisions and conditions regulating the business, agencies, managers and trustees and the control and disposition of the funds of the company, or of such enemy or ally of enemy, as the President shall deem necessary for the safety of the United States; and any license granted hereunder may be revoked or regranted or renewed in such manner and at such times as the President shall determine. *Id.*

1425i. *Revocation or refusal to license, notice of.*—Reasonable notice of his intent to refuse to grant a license or to revoke a license granted to any reinsurance company shall be given by him to all insurance companies incorporated within the United States and known to the President to be doing business with such reinsurance company. *Id.*

1425j. *Abrogation of existing contracts with enemy or ally of enemy insurance or reinsurance company.*—No insurance company, organized within the United States, shall be obligated to continue

country, by the inventor or his assigns or legal representatives, without the consent or approval of the commissioner or under a license of the President. *Id.*

1425rr. *Same—Compensation to patentee for use of inventions tendered to United States, etc.*—When an applicant whose patent is withheld as herein provided and who faithfully obeys the order of the President above referred to shall tender his invention to the Government of the United States for its use, he shall, if he ultimately receives a patent, have the right to sue for compensation in the Court of Claims, such right to compensation to begin from the date of the use of the invention by the Government. *Id.*

(See paragraphs 1616a–1616c, post, for almost identical provisions contained in the act of October 6, 1917 (40 Stat. 391), entitled "An act to prevent the publication of inventions by the grant of patents that might be detrimental to the public safety or convey useful information to the enemy, to stimulate invention, and provide adequate protection to owners of patents, and for other purposes," except that the above provisions may be regarded as applicable only during the present war, while the provisions in paragraphs 1616a 1616c are applicable during any time when the United States is at war.)

1425ss. *Offenses, punishment, forfeiture of property, etc.*—Whoever shall willfully violate any of the provisions of this Act or of any license, rule, or regulation issued thereunder, and whoever shall willfully violate, neglect, or refuse to comply with any order of the President issued in compliance with the provisions of this Act shall, upon conviction, be fined not more than $10,000, or, if a natural person, imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation shall be forfeited to the United States. *Sec. 16, id., 425.*

(For sections 11–15 of this act see paragraphs 1431a, 1424y-1424ll, 1439a-1439ll, 1424jj.)

1425tt. *Rules, orders, process, etc., by district courts, appeals.*—The district courts of the United States are hereby given jurisdiction to make and enter all such rules as to notice and otherwise, and all such orders and decrees, and to issue such process as may be necessary and proper in the premises to enforce the provisions of this Act, with a right of appeal from the final order or decree of such court as provided in sections one hundred and twenty-eight and two hundred and thirty-eight[1] of the Act of March third, nineteen hundred and eleven, entitled "An Act to codify, revise, and amend the laws relating to the judiciary." *Sec. 17, id.*

[1] See 36 Stat., 1133 and 1167.

ance, shall remain in full force and effect so far as it applies to such German insurance companies, and the conditions of said proclamation of April sixth, nineteen hundred and seventeen, as modified by said proclamation of July thirteenth, nineteen hundred and seventeen, shall also during said period of thirty days after the passage of this Act, and pending the order of the President as herein provided, apply to any enemy or ally of enemy insurance or reinsurance company, anything in this Act to the contrary notwithstanding. *Id.*

1425l. *Licensed enemy or ally of enemy insurance or reinsurance companies not to transmit funds, etc., out of United States, etc.*—It shall be unlawful for any enemy or ally of enemy insurance or reinsurance company, to whom license is granted, to transmit out of the United States any funds belonging to or held for the benefit of such company or to use any such funds as the basis for the establishment directly or indirectly of any credit within or outside of the United States to, or for the benefit of, or on behalf of, or on account of, an enemy or ally of enemy. *Id.*, *414.*

1425m. *Lawful for enemy or ally of enemy to do business in United States, when and under what conditions.*—For a period of thirty days after the passage of this Act, and further pending the entry of such order by the President, after application made within such thirty days by any enemy or ally of enemy, other than an insurance or reinsurance company as above provided, it shall be lawful for such enemy or ally of enemy to continue to do business in this country and for any person to trade with, to, from, for, on account of, on behalf of or for the benefit of such enemy or ally of enemy, anything in this Act to the contrary notwithstanding. *Id.*

1425n. *Transmission, etc., of money, etc., out of United States.*—The provisions of sections three and sixteen[1] hereof shall apply to any act or attempted act of transmission or transfer of money or other property out of the United States and to the use or attempted use of such money or property as the basis for the establishment of

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receipt of any premium, return premium, or claim now due or which may become due on or in respect to insurances or re-insurances not prohibited by this proclamation.

That all funds of such German companies now in the possession of their managers or agents, or which shall hereafter come into their possession, shall be subject to such rules and regulations concerning the payment and disposition thereof as shall be prescribed by the insurance supervising officials of the State in which the principal office of such establishment in the United States is located, but in no event shall any funds belonging to or held for the benefit of such companies be transmitted outside of the United States, nor be used as the basis for the establishment, directly or indirectly, of any credit within or outside of the United States to or for the benefit or use of the enemy or any of his allies without the permission of this Government.

[1] See paragraphs 1425a–1425f, ante, and paragraph 1425ss, post.)

1427c. *Alien property custodian may strike names from such lists.*—The name of any such officer, director, or stockholder shall be stricken permanently or temporarily from such list by the alien property custodian when he shall be satisfied that he is not such enemy or ally of enemy. *Id.*

1427d. *Reports of property held for or debts due to enemy or ally of enemy.*—Any person in the United States who holds or has or shall hold or have custody or control of any property beneficial or otherwise, alone or jointly with others, of, for, or on behalf of an enemy or ally of enemy, or of any person whom he may have reasonable cause to believe to be an enemy or ally of enemy and any person in the United States who is or shall be indebted in any way to an enemy or ally of enemy, or to any person whom he may have reasonable cause to believe to be an enemy or ally of enemy, shall, with such exceptions and under such rules and regulations as the President shall prescribe, and within thirty days after the passage of this Act, or within thirty days after such property shall come within his custody or control, or after such debt shall become due, report the fact to the alien-property custodian by written statement under oath containing such particulars as said custodian shall require. *Id.*

1427e. *Same—Report of property and of debts as of date of February 3, 1917.*—The President may also require a similar report of all property so held, of, for, or on behalf of, and of all debts owed to, any person now defined as an enemy or ally of enemy, on February third, nineteen hundred and seventeen. *Id.*

1427f. *Same—Alien property custodian may strike names from such reports.*—The name of any person shall be stricken from the said report by the alien-property custodian, either temporarily or permanently, when he shall be satisfied that such person is not an enemy or ally of enemy. *Id.*

1427g. *Extension of time for filing lists or reports.*—The President may extend the time for filing the lists or reports required by this section for an additional period not exceeding ninety days. *Id.*

(For the ensuing provisions of this section see paragraphs 1420J–1420s, 1421g–1424m, ante.)

1431a. *Importation of certain articles into United States prohibited on proclamation by President.*—Whenever during the present war the President shall find that the public safety so requires and shall make proclamation thereof it shall be unlawful to import into the United States from any country named in such proclamation any article or articles mentioned in such proclamation except at such time or times, and under such regulations or orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: *Provided*,

United States, or the President may license such company or companies to do business upon such terms as he may deem proper. *Id.*

1425s. *Suspension of provisions of act relating to ally of enemy; licenses, etc., to do business; rules and regulations for enforcement of act.*—The President, if he shall find it compatible with the safety of the United States and with the successful prosecution of the war, may, by proclamation, suspend the provisions of this Act so far as they apply to an ally of enemy, and he may revoke or renew such suspension from time to time; and the President may grant licenses, special or general, temporary or otherwise, and for such period of time and containing such provisions and conditions as he shall prescribe, to any person or class of persons to do business as provided in subsection (a) of section four[1] hereof, and to perform any act made unlawful without such license in section three hereof, and to file and prosecute applications under subsection (b) of section ten hereof; and he may revoke or renew such licenses from time to time, if he shall be of opinion that such grant or revocation or renewal shall be compatible with the safety of the United States and with the successful prosecution of the war; and he may make such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out the provisions of this Act; and the President may exercise any power or authority conferred by this Act through such officer or officers as he shall direct. *Sec. 5, id., 415.*

1425t. *Postponement of performance of certain acts.*—If the President shall have reasonable cause to believe that any act is about to be performed in violation of section three[2] hereof he shall have authority to order the postponement of the performance of such act for a period not exceeding ninety days, pending investigation of the facts by him. *Id.*

1425u. *Regulate, etc., transactions in foreign exchange, etc., of gold or silver coin or bullion or currency, transfers of credits, etc.*—The President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, export or earmarkings of gold or silver coin or bullion or currency, transfers of credit in any form (other than credits relating solely to transactions to be executed wholly within the United States), and transfers of evidences of indebtedness or of the ownership of property between the United States and any foreign country, whether enemy, ally of enemy or otherwise; or between residents of one or more foreign countries, by any person within the United States; and he may require any such person engaged in any such transaction to furnish, under oath, complete information relative thereto, including the production of

[1] See paragraph 1425g, ante.
[2] See paragraphs 1425a–1425f, ante.

any books of account, contracts, letters or other papers, in connection therewith in the custody or control of such person, either before or after such transaction is completed. *Id.*

ACTS PERMITTED.

1425v. *Applications for letters patent, or registration of trade-mark, etc., of copyright by enemy or ally of enemy.*—Nothing contained in this Act shall be held to make unlawful any of the following Acts:

An enemy, or ally of enemy, may file and prosecute in the United States an application for letters patent, or for registration of trade-mark, print, label, or copyright, and may pay any fees therefor in accordance with and as required by the provisions of existing law and fees for attorneys or agents for filing and prosecuting such applications. *Sec. 10, id., 420.*

1425w. *Same—Extension of time for filing applications.*—Any such enemy, or ally of enemy, who is unable during war, or within six months thereafter, on account of conditions arising out of war, to file any such application, or to pay any official fee, or to take any action required by law within the period prescribed by law, may be granted an extension of nine months beyond the expiration of said period, provided the nation of which the said applicant is a citizen, subject, or corporation shall extend substantially similar privileges to citizens and corporations of the United States. *Id.*

1425x. *Payment of tax, annuity or fee in relation to patents, etc., to enemy or ally of enemy; application for patents, etc., by citizens of United States in country of enemy, etc.*—Any citizen of the United States, or any corporation organized within the United States, may, when duly authorized by the President, pay to an enemy or ally of enemy any tax, annuity, or fee which may be required by the laws of such enemy or ally of enemy nation in relation to patents and trade-marks, prints, labels, and copyrights; and any such citizen or corporation may file and prosecute an application for letters patent or for registration of trade-mark, print, label, or copyright in the country of an enemy, or of an ally of enemy after first submitting such application to the President and receiving license so to file and prosecute, and to pay the fees required by law and customary agents' fees, the maximum amount of which in each case shall be subject to the control of the President. *Id.*

1425y. *Licenses to manufacture, use, etc., articles covered by patent, etc., owned by enemy or ally of enemy.*—Any citizen of the United States or any corporation organized within the United States desiring to manufacture, or cause to be manufactured, a machine, manufacture, composition of matter, or design, or to carry on, or to use

any trade-mark, print, label or cause to be carried on, a process under any patent or copyrighted matter owned or controlled by an enemy or ally of enemy at any time during the existence of a state of war may apply to the President for a license; and the President is hereby authorized to grant such a license, nonexclusive or exclusive as he shall deem best, provided he shall be of the opinion that such grant is for the public welfare, and that the applicant is able and intends in good faith to manufacture, or cause to be manufactured, the machine, manufacture, composition of matter, or design, or to carry on, or cause to be carried on, the process or to use the trade-mark, print, label, or copyrighted matter. *Id.*

1425z. *Same—Conditions of licenses and fees for same.*—The President may prescribe the conditions of this license, including the fixing of prices of articles and products necessary to the health of the military and naval forces of the United States or the successful prosecution of the war, and the rules and regulations under which such license may be granted and the fee which shall be charged therefor, not exceeding $100, and not exceeding one per centum of the fund deposited as hereinafter provided. *Id.*

1425aa. *Same—License defense to suit instituted by owners of patents, etc.*—Such license shall be a complete defense to any suit at law or in equity instituted by the enemy or ally of enemy owners of the letters patent, trade-mark, print, label, or copyright, or otherwise, against the licensee for infringement or for damages, royalty, or other money award on account of anything done by the licensee under such license, except as provided in subsection (f) hereof.[1] *Id.*

1425bb. *Statements filed by licensees with President, contents; payment to alien property custodian of per centum of receipts from sales, etc.*—The licensee shall file with the President a full statement of the extent of the use and enjoyment of the license, and of the prices received in such form and at such stated periods (at least annually) as the President may prescribe; and the licensee shall pay at such times as may be required to the alien property custodian not to exceed five per centum of the gross sums received by the licensee from the sale of said inventions or use of the trade-mark, print, label or copyrighted matter, or, if the President shall so order, five per centum of the value of the use of such inventions, trade-marks, prints, labels or copyrighted matter to the licensee as established by the President; and sums so paid shall be deposited by said alien property custodian forthwith in the Treasury of the United States as a trust fund for the said licensee and for the owner of the said patent, trade-mark, print, label or copyright registration as hereinafter provided, to be paid from the Treasury upon order of the court, as provided

[1] See paragraphs 1425ee–1425ll, post.

in subdivision (f) of this section, or upon the direction of the alien property custodian. *Id.*

1425cc. *Term of licenses.*—Unless surrendered or terminated as provided in this Act, any license granted hereunder shall continue during the term fixed in the license or in the absence of any such limitation during the term of the patent, trade-mark, print, label, or copyright registration under which it is granted. *Id.*

1425dd. *Cancellation of licenses.*—Upon violation by the licensee of any of the provisions of this Act, or of the conditions of the license, the President may, after due notice and hearing, cancel any license granted by him. *Id.*

1425ee. *Suits against licensee by owner of patent, etc.*—The owner of any patent, trade-mark, print, label, or copyright under which a license is granted hereunder may, after the end of the war and until the expiration of one year thereafter, file a bill in equity against the licensee in the district court of the United States for the district in which the said licensee resides, or, if a corporation, in which it has its principal place of business (to which suit the Treasurer of the United States shall be made a party), for recovery from the said licensee for all use and enjoyment of the said patented invention, trade-mark, print, label, or copyrighted matter. *Id.*

1425ff. *Same—Notice of suits.*—Whenever suit is brought, as above, notice shall be filed with the alien property custodian within thirty days after date of entry of suit. *Id.*

1425gg. *Same—Defenses.*—The licensee may make any and all defenses which would be available were no license granted. *Id.*

1425hh. *Same—Court may award reasonable royalty.*—The court on due proceedings had may adjudge and decree to the said owner payment of a reasonable royalty. *Id.*

1425ii. *Same—Fund from which judgment and decree shall be paid.*—The amount of said judgment and decree, when final, shall be paid on order of the court to the owner of the patent from the fund deposited by the licensee, so far as such deposit will satisfy said judgment and decree; and the said payment shall be in full or partial satisfaction of said judgment and decree, as the facts may appear; and if, after payment of all such judgments and decrees, there shall remain any balance of said deposit, such balance shall be repaid to the licensee on order of the alien property custodian. *Id.*

1425jj. *Repayment of per centum deposited with alien property custodian.*—If no suit is brought within one year after the end of the war, or no notice is filed as above required, then the licensee shall not be liable to make any further deposits, and all funds deposited by him shall be repaid to him on order of the alien property custodian. *Id.*, *422.*

1425kk. *Reports to President to cease upon entry of suit or repayment of funds.*—Upon entry of suit and notice filed as above required, or upon repayment of funds as above provided, the liability of the licensee to make further reports to the President shall cease. *Id.*

1425ll. *Termination of license on suit brought; injunction against infringement by licensee.*—If suit is brought as above provided, the court may, at any time, terminate the license, and may, in such event, issue an injunction to restrain the licensee from infringement thereafter, or the court, in case the licensee, prior to suit, shall have made investment of capital based on possession of the license, may continue the license for such period and upon such terms and with such royalties as it shall find to be just and reasonable. *Id.*

1425mm. *Restraining infringement of patents, etc., by enemy or ally of enemy.*—Any enemy, or ally of enemy, may institute and prosecute suits in equity against any person other than a licensee under this Act to enjoin infringement of letters patent, trade-mark, print, label, and copyrights in the United States owned or controlled by said enemy or ally of enemy, in the same manner and to the extent that he would be entitled so to do if the United States was not at war. *Id.*

1425nn. *Same—Notice to alien property custodian before entry of judgment.*—No final judgment or decree shall be entered in favor of such enemy or ally of enemy by any court except after thirty days' notice to the alien property custodian. Such notice shall be in writing and shall be served in the same manner as civil process of Federal courts. *Id.*

1425oo. *Certain powers of attorney valid.*—All powers of attorney heretofore or hereafter granted by an enemy or ally of enemy to any person within the United States, in so far as they may be requisite to the performance of acts authorized in subsections (a) and (g)[1] of this section, shall be valid. *Id.*

1425pp. *Keeping secret inventions and withholding grant of patents therefor.*—Whenever the publication of an invention by the granting of a patent may, in the opinion of the President, be detrimental to the public safety or defense, or may assist the enemy or endanger the successful prosecution of the war, he may order that the invention be kept secret and withhold the grant of a patent until the end of the war. *Id.*

1425qq. *Same—Inventions abandoned, when.*—The invention disclosed in the application for said patent may be held abandoned upon it being established before or by the Commissioner of Patents that, in violation of said order, said invention has been published or that an application for a patent therefor has been filed in any other

[1] See paragraphs 1425v, 1425w, 1425mm, and 1425nn, ante.

country, by the inventor or his assigns or legal representatives, without the consent or approval of the commissioner or under a license of the President. *Id.*

1425rr. *Same—Compensation to patentee for use of inventions tendered to United States, etc.*—When an applicant whose patent is withheld as herein provided and who faithfully obeys the order of the President above referred to shall tender his invention to the Government of the United States for its use, he shall, if he ultimately receives a patent, have the right to sue for compensation in the Court of Claims, such right to compensation to begin from the date of the use of the invention by the Government. *Id.*

(See paragraphs 1616a–1616c, post, for almost identical provisions contained in the act of October 6, 1917 (40 Stat. 394), entitled "An act to prevent the publication of inventions by the grant of patents that might be detrimental to the public safety or convey useful information to the enemy, to stimulate invention, and provide adequate protection to owners of patents, and for other purposes," except that the above provisions may be regarded as applicable only during the present war, while the provisions in paragraphs 1616a–1616c are applicable during any time when the United States is at war.)

1425ss. *Offenses, punishment, forfeiture of property, etc.*—Whoever shall willfully violate any of the provisions of this Act or of any license, rule, or regulation issued thereunder, and whoever shall willfully violate, neglect, or refuse to comply with any order of the President issued in compliance with the provisions of this Act shall, upon conviction, be fined not more than $10,000, or, if a natural person, imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation shall be forfeited to the United States. *Sec. 16, id., 425.*

(For sections 11–15 of this act see paragraphs 1431a, 1424y–1424ii, 1439a–1439kl, 1424jj.)

1425tt. *Rules, orders, process, etc., by district courts, appeals.*—The district courts of the United States are hereby given jurisdiction to make and enter all such rules as to notice and otherwise, and all such orders and decrees, and to issue such process as may be necessary and proper in the premises to enforce the provisions of this Act, with a right of appeal from the final order or decree of such court as provided in sections one hundred and twenty-eight and two hundred and thirty-eight[1] of the Act of March third, nineteen hundred and eleven, entitled "An Act to codify, revise, and amend the laws relating to the judiciary." *Sec. 17, id.*

[1] See 36 Stat., 1133 and 1157.

1425uu. *Jurisdiction of courts of Philippine Islands and Canal Zone of offenses under act.*—The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this Act committed within their respective districts, and concurrent jurisdiction with the district courts of the United States of offenses under this Act committed upon the high seas and of conspiracies to commit such offenses as defined by section thirty-seven[1] of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, and the provisions of such section for the purpose of this Act are hereby extended to the Philippine Islands and to the Canal Zone. *Sec. 18, id.*

(For section 19 of this act see paragraphs 253f–253k, ante.)

1427a. *Lists of enemy or ally of enemy officers, directors or stockholders of corporations, etc., in United States, with amount of stock owned by such officers, etc.*—Every corporation incorporated within the United States, and every unincorporated association, or company, or trustee, or trustees within the United States, issuing shares or certificates representing beneficial interests, shall, under such rules and regulations as the President may prescribe and, within sixty days after the passage of this Act, and at such other times thereafter as the President may require, transmit to the alien property custodian a full list, duly sworn to, of every officer, director, or stockholder known to be, or whom the representative of such corporation, association, company, or trustee has reasonable cause to believe to be an enemy or ally of enemy resident within the territory, or a subject or citizen residing outside of the United States, of any nation with which the United States is at war, or resident within the territory, or a subject or citizen residing outside of the United States, of any ally of any nation with which the United States is at war, together with the amount of stock or shares owned by each such officer, director, or stockholder, or in which he has any interest. *Sec. 7, id., 416.*

1427b. *Lists of stocks owned by enemy or allies of enemy.*—The President may also require a similar list to be transmitted of all stock or shares owned on February third, nineteen hundred and seventeen, by any person now defined as an enemy or ally of enemy, or in which any such person had any interest; and he may also require a list to be transmitted of all cases in which said corporation, association, company, or trustee has reasonable cause to believe that the stock or shares on February third, nineteen hundred and seventeen, were owned or are owned by such enemy or ally of enemy, though standing on the books in the name of another. *Id.*

[1] See 35 Stat., 1096.

1427c. *Alien property custodian may strike names from such lists.*—The name of any such officer, director, or stockholder shall be stricken permanently or temporarily from such list by the alien property custodian when he shall be satisfied that he is not such enemy or ally of enemy. *Id.*

1427d. *Reports of property held for or debts due to enemy or ally of enemy.*—Any person in the United States who holds or has or shall hold or have custody or control of any property beneficial or otherwise, alone or jointly with others, of, for, or on behalf of an enemy or ally of enemy, or of any person whom he may have reasonable cause to believe to be an enemy or ally of enemy and any person in the United States who is or shall be indebted in any way to an enemy or ally of enemy, or to any person whom he may have reasonable cause to believe to be an enemy or ally of enemy, shall, with such exceptions and under such rules and regulations as the President shall prescribe, and within thirty days after the passage of this Act, or within thirty days after such property shall come within his custody or control, or after such debt shall become due, report the fact to the alien-property custodian by written statement under oath containing such particulars as said custodian shall require. *Id.*

1427e. *Same—Report of property and of debts as of date of February 3, 1917.*—The President may also require a similar report of all property so held, of, for, or on behalf of, and of all debts owed to, any person now defined as an enemy or ally of enemy, on February third, nineteen hundred and seventeen. *Id.*

1427f. *Same—Alien property custodian may strike names from such reports.*—The name of any person shall be stricken from the said report by the alien-property custodian, either temporarily or permanently, when he shall be satisfied that such person is not an enemy or ally of enemy. *Id.*

1427g. *Extension of time for filing lists or reports.*—The President may extend the time for filing the lists or reports required by this section for an additional period not exceeding ninety days. *Id.*

(For the ensuing provisions of this section see paragraphs 1420j–1420s, 1424g–1424m, ante.)

1431a. *Importation of certain articles into United States prohibited on proclamation by President.*—Whenever during the present war the President shall find that the public safety so requires and shall make proclamation thereof it shall be unlawful to import into the United States from any country named in such proclamation any article or articles mentioned in such proclamation except at such time or times, and under such regulations or orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: *Provided,*

however, That no preference shall be given to the ports of one State over those of another. *Sec. 11, id., 422.*

(For sections 10 and 12 of this act see paragraphs 1425v–1425rr, 1424y–1424ii, ante.)

1439a. *Statements required from masters of vessels and owners, etc., of cargoes before granting clearance, contents.*—During the present war, in addition to the facts required by sections forty-one hundred and ninety-seven, forty-one hundred and ninety-eight, and forty-two hundred of the Revised Statutes, as amended by the Act of June fifteenth, nineteen hundred and seventeen, to be set out in the master's and shipper's manifests before clearance will be issued to vessels bound to foreign ports, the master or person in charge of any vessel, before departure of such vessel from port, shall deliver to the collector of customs of the district wherein such vessel is located a statement duly verified by oath that the cargo is not shipped or to be delivered in violation of this Act, and the owners, shippers, or consignors of the cargo of such vessels shall in like manner deliver to the collector like statement under oath as to the cargo or the parts thereof laden or shipped by them, respectively, which statement shall contain also the names and addresses of the actual consignees of the cargo, or if the shipment is made to a bank or other broker, factor, or agent, the names and addresses of the persons who are the actual consignees on whose account the shipment is made. *Ses. 13, id., 424.*

(For sec. 12 of this act see pars. *c* 1424y–1424ii, ante.)

1439b. *Same—Copies for American consular officers on reaching destination.*—The master or person in control of the vessel shall, on reaching port of destination of any of the cargo, deliver a copy of the manifest and of the said master's, owner's, shipper's, or consignor's statement to the American consular officer of the district in which the cargo is unladen. *Id.*

1439c. *Refusal of clearance to vessels on belief, etc., that statements required by section 13 are false.*—During the present war, whenever there is reasonable cause to believe that the manifest or the additional statements under oath required by the preceding section are false or that any vessel, domestic or foreign, is about to carry out of the United States any property to or for the account or benefit of an enemy, or ally of enemy, or any property or person whose export, taking out, or transport will be in violation of law, the collector of customs for the district in which such vessel is located is hereby authorized and empowered subject to review by the President to refuse clearance to any such vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the de-

parture of such vessel from the port, and it shall thereupon be unlawful for such vessel to depart. *Sec. 14, id.*

1439d. *Reports by collector of customs of gold or silver coin, etc., in cargoes intended for export.*—The collector of customs shall, during the present war, in each case report to the President the amount of gold or silver coin or bullion or other moneys of the United States contained in any cargo intended for export. Such report shall include the names and addresses of the consignors and consignees, together with any facts known to the collector with reference to such shipment and particularly those which may indicate that such gold or silver coin or bullion or moneys of the United States may be intended for delivery or may be delivered, directly or indirectly, to an enemy or an ally of enemy. *Id.*

SEARCH WARRANTS.

1449a. *Authority to issue.*—A search warrant authorized by this title may be issued by a judge of a United States district court, or by a judge of a State or Territorial court of record, or by a United States commissioner for the district wherein the property sought is located. *Title XI, Sec. 1, Act of June 15, 1917 (40 Stat. 228).*

1449b. *Same—Grounds for issue.*—A search warrant may be issued under this title upon either of the following grounds:

1. When the property was stolen or embezzled in violation of a law of the United States; in which case it may be taken on the warrant from any house or other place in which it is concealed, or from the possession of the person by whom it was stolen or embezzled, or from any person in whose possession it may be.

2. When the property was used as the means of committing a felony; in which case it may be taken on the warrant from any house or other place in which it is concealed, or from the possession of the person by whom it was used in the commission of the offense, or from any person in whose possession it may be.

3. When the property, or any paper, is possessed, controlled, or used in violation of section twenty-two of this title; in which case it may be taken on the warrant from the person violating said section, or from any person in whose possession it may be, or from any house or other place in which it is concealed. *Sec. 2, id.*

1449c. *Same—Probable cause and affidavit.*—A search warrant can not be issued but upon probable cause, supported by affidavit, naming or describing the person and particularly describing the property and the place to be searched. *Sec. 3, id.*

1449d. *Same—Examination of applicant and witnesses; affidavits and depositions.*—The judge or commissioner must, before issuing the warrant, examine on oath the complainant and any witness he

may produce, and require their affidavits or take their depositions in writing and cause them to be subscribed by the parties making them. *Sec. 4, id.*

1449e. *Same—Affidavits and depositions.*—The affidavits or depositions must set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist. *Sec. 5, id.*

1449f. *Same—Issuance of, contents.*—If the judge or commissioner is thereupon satisfied of the existence of the grounds of the application or that there is probable cause to believe their existence, he must issue a search warrant, signed by him with his name of office, to a civil officer of the United States duly authorized to enforce or assist in enforcing any law thereof, or to a person so duly authorized by the President of the United States, stating the particular grounds or probable cause for its issue and the names of the persons whose affidavits have been taken in support thereof, and commanding him forthwith to search the person or place named, for the property specified, and to bring it before the judge or commissioner. *Sec. 6, id., 229.*

1449g. *Same—Service of.*—A search warrant may in all cases be served by any of the officers mentioned in its direction, but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution. *Sec. 7, id.*

1449h. *Same—Service, breaking and entering.*—The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance. *Sec. 8, id.*

1449i. *Same—Service, breaking and entering to liberate detained person aiding in execution of warrant.*—He may break open any outer or inner door or window of a house for the purpose of liberating a person who, having entered to aid him in the execution of the warrant, is detained therein, or when necessary for his own liberation. *Sec. 9, id.*

1449j. *Same—Service in daytime.*—The judge or commissioner must insert a direction in the warrant that it be served in the daytime, unless the affidavits are positive that the property is on the person or in the place to be searched, in which case he may insert a direction that it be served at any time of the day or night. *Sec. 10, id.*

1449k. *Same—Time for service and return.*—A search warrant must be executed and returned to the judge or commissioner who issued it within ten days after its date; after the expiration of this time the warrant, unless executed, is void. *Sec. 11, id.*

1449l. *Same—Copy of and receipt for property taken to persons from whom taken.*—When the officer takes property under the warrant, he must give a copy of the warrant together with a receipt for the property taken (specifying it in detail) to the person from whom it was taken by him, or in whose possession it was found; or, in the absence of any person, he must leave it in the place where he found the property. *Sec. 12, id.*

1449m. *Same—Return, inventory of property taken.*—The officer must forthwith return the warrant to the judge or commissioner and deliver to him a written inventory of the property taken, made publicly or in the presence of the person from whose possession it was taken, and of the applicant for the warrant, if they are present, verified by the affidavit of the officer at the foot of the inventory and taken before the judge or commissioner at the time, to the following effect: "I, R. S., the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all the property taken by me on the warrant." *Sec. 13, id.*

1449n. *Same—Returns, copy of inventory for person from whom property was taken and to applicant.*—The judge or commissioner must thereupon, if required, deliver a copy of the inventory to the person from whose possession the property was taken and to the applicant for the warrant. *Sec. 14, id.*

1449o. *Same—Taking testimony.*—If the grounds on which the warrant was issued be controverted, the judge or commissioner must proceed to take testimony in relation thereto, and the testimony of each witness must be reduced to writing and subscribed by each witness. *Sec. 15, id.*

1449p. *Same—Restoration of property taken; retention of custody of property by officer or other disposition.*—If it appears that the property or paper taken is not the same as that described in the warrant or that there is no probable cause for believing the existence of the grounds on which the warrant was issued, the judge or commissioner must cause it to be restored to the person from whom it was taken; but if it appears that the property or paper taken is the same as that described in the warrant and that there is probable cause for believing the existence of the grounds on which the warrant was issued, then the judge or commissioner shall order the same retained in the custody of the person seizing it or to be otherwise disposed of according to law. *Sec. 16, id.*

1449q. *Same—Filing papers with clerk of court having jurisdiction.*—The judge or commissioner must annex the affidavits, search warrant, return, inventory, and evidence, and if he has not power to inquire into the offense in respect to which the warrant was issued he must at once file the same, together with a copy of the record of

his proceedings, with the clerk of the court having power to so inquire. *Sec. 17, id., 230.*

1449r. *Same—Obstructing, etc., service or execution, etc., punishment.*—Whoever shall knowingly and willfully obstruct, resist, or oppose any such officer or person in serving or attempting to serve or execute any such search warrant, or shall assault, beat, or wound any such officer or person, knowing him to be an officer or person so authorized, shall be fined not more than $1,000 or imprisoned not more than two years. *Sec. 18, id.*

1449s. *Same—Perjury and subordination of perjury.*—Sections one hundred and twenty-five and one hundred and twenty-six[1] of the Criminal Code of the United States shall apply to and embrace all persons making oath or affirmation or procuring the same under the provisions of this title, and such persons shall be subject to all the pains and penalties of said sections. *Sec. 19, id.*

1449t. *Same—Maliciously procuring issue of, punishment.*—A person who maliciously and without probable cause procures a search warrant to be issued and executed shall be fined not more than $1,000 or imprisoned not more than one year. *Sec. 20, id.*

1449u. *Same—Officer exceeding authority, punishment.*—An officer who in executing a search warrant willfully exceeds his authority, or exercises it with unnecessary severity, shall be fined not more than $1,000 or imprisoned not more than one year. *Sec. 21, id.*

(For the ensuing section of this title see paragraph 1317½l.)

1449v. *Same—Existing laws not repealed.*—Nothing contained in this title shall be held to repeal or impair any existing provisions of law regulating search and the issue of search warrants. *Sec. 23, id.*

(For general provisions of this act applicable to this title, see paragraphs 1475q–1475t.)

1468a. *Enlisting in foreign service, punishment.*—Whoever, within the territory or jurisdiction of the United States, enlists or enters himself, or hires or retains another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, State, colony, district, or people as a soldier or as a marine or seaman on board of any vessel of war, letter of marque, or privateer shall be fined not more than $1,000 and imprisoned not more than three years. *Act of May 7, 1917 (40 Stat. 39), amending sec. 10, Act of Mar. 4, 1909, Criminal Code (35 Stat. 1089).*

1468b. *Same—Exceptions.*—This section shall not apply to citizens or subjects of any country engaged in war with a country with which the United States is at war, unless such citizen or subject of such

[1] See 35 Stat. 1111. These sections define perjury and subornation of perjury, and fix the maximum punishment for at five years' imprisonment and a fine of $2,000.

foreign country shall hire or solicit a citizen of the United States to enlist or go beyond the jurisdiction of the United States with intent to enlist or enter the service of a foreign country. Enlistments under this proviso shall be under regulations prescribed by the Secretary of War. *Id.*

REPATRIATION.

1468c. *Certain American citizens who have enlisted in foreign armies.*—Any person formerly an American citizen, who may be deemed to have expatriated himself under the provisions of the first paragraph of section two[1] of the Act approved March second, nineteen hundred and seven, entitled "An Act in reference to the expatriation of citizens and their protection abroad," by taking, since August first, nineteen hundred and fourteen, an oath of allegiance to any foreign State engaged in war with a country with which the United States is at war, and who took such oath in order to be enabled to enlist in the armed forces of such foreign State, and who actually enlisted in such armed forces, and who has been or may be duly and honorably discharged from such armed forces, may, upon complying with the provisions of this Act, reassume and acquire the character and privileges of a citizen of the United States. *Act of Oct. 5, 1917 (40 Stat. 340).*

1468d. *Same—No claim for pension, etc., shall accrue to United States for disabilities incurred in foreign army or navy.*—No obligation in the way of pensions or other grants because of service in the army or navy of any other country, or disabilities incident thereto, shall accrue to the United States. *Id.*

1468e. *Same—Procedure.*—Any such person who desires so to reacquire and reassume the character and privileges of a citizen of the United States shall, if abroad, present himself before a consular officer of the United States, or, if in the United States, before any court authorized by law to confer American citizenship upon aliens, shall offer satisfactory evidence that he comes within the terms of this Act, and shall take an oath declaring his allegiance to the United States and agreeing to support the Constitution thereof and abjuring and disclaiming allegiance to such foreign State and to every foreign prince, potentate, State, or sovereignty. *Id.*

1468f. *Same—Duty of consular officer or court.*—The consular officer or court officer having jurisdiction shall thereupon issue in triplicate a certificate of American citizenship, giving one copy to the applicant, retaining one copy for his files, and forwarding one copy to the Secretary of Labor. *Id.*

[1] See 34 Stat. 1228.

1468g. *Same—Citizenship acquired.*—Thereafter such person shall in all respects be deemed to have acquired the character and privileges of a citizen of the United States. *Id.*

1468h. *Same—Joint regulations by Secretaries of State and Labor.*—The Secretary of State and the Secretary of Labor shall jointly issue regulations for the proper administration of this Act. *Id.*

NEUTRALITY.

1469a. *Withholding clearance from vessels violating, during existence of war to which the United States is not a party.*—From and after the passage of this resolution, and during the existence of a war to which the United States is not a party, and in order to prevent the neutrality of the United States from being violated by the use of its territory, its ports, or its territorial waters as the base of operations for the armed forces of a belligerent, contrary to the obligations imposed by the law of nations, the treaties to which the United States is a party, or contrary to the statutes of the United States, the President be, and he is hereby, authorized and empowered to direct the collectors of customs under the jurisdiction of the United States to withhold clearance from any vessel, American or foreign, which he has reasonable cause to believe to be about to carry fuel, arms, ammunition, men, or supplies to any warship, or tender, or supply ship of a belligerent nation, in violation of the obligations of the United States as a neutral nation. *Joint resolution 14, Mar. 4, 1915 (38 Stat. 1226).*

1469b. *Same—Penalty for vessels departing jurisdiction of United States without clearance.*—In case any such vessel shall depart or attempt to depart from the jurisdiction of the United States without clearance for any of the purposes above set forth, the owner or master or person or persons having charge or command of such vessel shall severally be liable to a fine of not less than $2,000 nor more than $10,000, or to imprisonment not to exceed two years, or both, and, in addition, such vessel shall be forfeited to the United States. *Id.*

1469c. *Restrictions on importations from United States under laws of belligerent, penalty for.*—Whenever during the existence of a war in which the United States is not engaged, the President shall be satisfied that there is reasonable ground to believe that under the laws, regulations, or practices of any country, colony, or dependency contrary to the law and practice of nations, the importation into their own or any other country, dependency, or colony of any article the product of the soil or industry of the United States and not injurious to health or morals is prevented or restricted the President is authorized and empowered to prohibit or restrict during the period such prohibition or restriction is in force, the importation into the United

States of similar or other articles, products of such country, dependency, or colony as in his opinion the public interest may require; and in such case he shall make proclamation stating the article or articles which are prohibited from importation into the United States; and any person or persons who shall import, or attempt to conspire to import, or be concerned in importing, such article or articles, into the United States contrary to the prohibition in such proclamation, shall be liable to a fine of not less than $2,000 nor more than $50,000, or to imprisonment not to exceed two years, or both, in the discretion of the court. The President may change, modify, revoke, or renew such proclamation in his discretion. *Sec. 805, Act of Sept. 8, 1916 (39 Stat. 799).*

1469d. *Vessels under belligerent laws discriminating against citizens of United States, penalty for.*—Whenever, during the existence of a war in which the United States is not engaged, the President shall be satisfied that there is reasonable ground to believe that any vessel, American or foreign, is, on account of the laws, regulations, or practices of a belligerent Government, making or giving any undue or unreasonable preference or advantage in any respect whatsoever to any particular person, company, firm, or corporation, or any particular description of traffic in the United States or its possessions or to any citizens of the United States residing in neutral countries abroad, or is subjecting any particular person, company, firm, or corporation or any particular description of traffic in the United States or its possessions, or any citizens of the United States residing in neutral countries abroad to any undue or unreasonable prejudice, disadvantage, injury, or discrimination in regard to accepting, receiving, transporting, or delivering, or refusing to accept, receive, transfer, or deliver any cargo, freight or passengers, or in any other respect whatsoever, he is hereby authorized and empowered to direct the detention of such vessels by withholding clearance or by formal notice forbidding departure, and to revoke, modify, or renew any such direction. *Sec. 806, id.*

1469e. *Restrictions under belligerent laws on commerce of American ships or citizens, penalty for.*—Whenever, during the existence of a war in which the United States is not engaged, the President shall be satisfied that there is reasonable ground to believe that under the laws, regulations, or practices of any belligerent country or Government, American ships or American citizens are not accorded any of the facilities of commerce which the vessels or citizens of that belligerent country enjoy in the United States or its possessions, or are not accorded by such belligerent equal privileges or facilities of trade with vessels or citizens of any nationality other than that of such belligerent, the President is hereby authorized and empowered

to withhold clearance from one or more vessels of such belligerent country until such belligerent shall restore to such American vessels and American citizens reciprocal liberty of commerce and equal facilities of trade; or the President may direct that similar privileges and facilities, if any, enjoyed by vessels or citizens of such belligerent in the United States or its possessions be refused to vessels or citizens of such belligerent; and in such case he shall make proclamation of his direction, stating the facilities and privileges which shall be refused, and the belligerent to whose vessels or citizens they are to be refused, and thereafter the furnishing of such prohibited privileges and facilities to any vessel or citizen of the belligerent named in such proclamation shall be unlawful; and he may change, modify, revoke, or renew such proclamation; and any person or persons who shall furnish or attempt to conspire to furnish or be concerned in furnishing or in the concealment of furnishing facilities or privileges to ships or persons contrary to the prohibition in such proclamation shall be liable to a fine of not less than $2,000 nor more than $50,000, or to imprisonment not to exceed two years, or both, in the discretion of the court. *Id. 800.*

1469f. *Same—Penalty for vessels departing without clearance.*—In case any vessel which is detained by virtue of this Act shall depart or attempt to depart from the jurisdiction of the United States without clearance or other lawful authority, the owner or master or person or persons having charge or command of such vessel shall be severally liable to a fine of not less than $2,000 nor more than $10,000, or to imprisonment not exceed two years, or both, and in addition, such vessel shall be forfeited to the United States. *Id.*

1469g. *Same—President authorized to use land or naval forces for enforcement of Act.*—The President of the United States is hereby authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purpose of this Act. *Id.*

VESSELS IN PORTS OF THE UNITED STATES.

1469h. *Rules and regulations governing anchorage and movement; taking control and possession of.*—Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at

any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof. *Title II, Sec. 1, Act of June 15, 1917 (40 Stat. 220).*

1469i. *Same—Powers of Governor of Canal Zone as to.*—Within the territory and waters of the Canal Zone the Governor of the Panama Canal, with the approval of the President, shall exercise all the powers conferred by this section on the Secretary of the Treasury. *Id.*

1469j. *Same—Failure to comply with rules and regulations; seizure and forfeiture of vessel, etc.*—If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given by the Secretary of the Treasury or the Governor of the Panama Canal under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be fined not more than $10,000, or imprisoned not more than two years, or both. *Sec. 2, id.*

1469k. *Same—Destruction or injury of vessels; use of vessels as resort for persons conspiring against United States, etc.; punishment.*—It shall be unlawful for the owner or master or any other person in charge or command of any private vessel, foreign or domestic, or for any member of the crew or other person, within the territorial waters of the United States, willfully to cause or permit the destruction or injury of such vessel or knowingly to permit said vessel to be used as a place of resort for any person conspiring with another or preparing to commit any offense against the United States, or in violation of the treaties of the United States or of the obligations of the United States under the law of nations, or to defraud the United States, or knowingly to permit such vessels to be used in violation of the rights and obligations of the United States under the law of nations; and in case such vessel shall be so used, with the knowledge of the owner or master or other person in charge or command thereof, the vessel, together with her tackle, apparel, furniture, and equip-

ment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and whoever violates this section shall be fined not more than $10,000 or imprisoned not more than two years, or both. *Sec. 3, id.*

1469l. *Same—Employment of land or naval forces for enforcement of title.*—The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purpose of this title. *Sec. 4, id.*

(For general provisions of this act applicable to this title, see paragraphs 1475q–1475t.)

1469m. *Injuring vessels engaged in foreign commerce, punishment.*—Whoever shall set fire to any vessel of foreign registry, or any vessel of American registry entitled to engage in commerce with foreign nations, or to any vessel of the United States as defined in section three hundred and ten[1] of the Act of March fourth, nineteen hundred and nine, entitled "An Act to codify, revise, and amend the penal laws of the United States," or to the cargo of the same, or shall tamper with the motive power or instrumentalities of navigation of such vessel, or shall place bombs or explosives in or upon such vessel, or shall do any other act to or upon such vessel while within the jurisdiction of the United States, or, if such vessel is of American registry, while she is on the high sea, with intent to injure or endanger the safety of the vessel or of her cargo, or of persons on board, whether the injury or danger is so intended to take place within the jurisdiction of the United States, or after the vessel shall have departed therefrom; or whoever shall attempt or conspire to do any such acts with such intent, shall be fined not more than $10,000 or imprisoned not more than twenty years, or both. *Title III, Sec. 1, id., 221.*

(For general provisions of this act applicable to this title, see paragraphs 1475q–1475t.)

1469n. *Interference with foreign commerce by violent means; punishment.*—Whoever, with intent to prevent, interfere with, or obstruct or attempt to prevent, interfere with, or obstruct the exportation to foreign countries of articles from the United States shall injure or destroy, by fire or explosives, such articles or the places where they may be while in such foreign commerce, shall be fined not more than $10,000, or imprisoned not more than ten years, or both. *Title IV, Sec. 1, id.*

(For general provisions of this act applicable to this title, see paragraphs 1475q–1475t.)

[1] See 35 Stat. 1148.

ENFORCEMENT OF NEUTRALITY.

1469o. *Withholding clearance papers from vessels.*—During a war in which the United States is a neutral nation, the President, or any person thereunto authorized by him, may withhold clearance from or to any vessel, domestic or foreign, which is required by law to secure clearance before departing from port or from the jurisdiction of the United States, or, by service of formal notice upon the owner, master, or person in command or having charge of any domestic vessel not required by law to secure clearances before so departing, to forbid its departure from port or from the jurisdiction of the United States, whenever there is reasonable cause to believe that any such vessel, domestic or foreign, whether requiring clearance or not, is about to carry fuel, arms, ammunition, men, supplies, dispatches, or information to any warship, tender, or supply ship of a foreign belligerent nation in violation of the laws, treaties, or obligations of the United States under the law of nations; and it shall thereupon be unlawful for such vessel to depart. *Title V, Sec. 1, id.*

1469p. *Detention of armed vessels.*—During a war in which the United States is a neutral nation, the President, or any person thereunto authorized by him, may detain any armed vessel owned wholly or in part by American citizens, or any vessel, domestic or foreign (other than one which has entered the ports of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, until the owner or master, or person having charge of such vessel, shall furnish proof satisfactory to the President, or to the person duly authorized by him, that the vessel will not be employed by the said owners, or master, or person having charge thereof, to cruise against or commit or attempt to commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with which the United States is at peace and that the said vessel will not be sold or delivered to any belligerent nation, or to an agent, officer, or citizen of such nation, by them or any of them, within the jurisdiction of the United States, or, having left that jurisdiction, upon the high seas. *Sec. 2, id.*

1469q. *Sending out armed vessels with intent to deliver same to belligerents.*—During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war, or converted from a private vessel into a vessel of war, with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to an agent, officer, or citizen of such nation, or with reasonable cause to believe that the said vessel shall or will be employed in the service

of any such belligerent nation after its departure from the jurisdiction of the United States. *Sec. 3, id., 222.*

1469r. *Statement from master of vessel that cargo will not be delivered to other vessels, etc., additional to requirements of secs. 4197, 4198, and 4200, R. S.*—During a war in which the United States is a neutral nation, in addition to the facts required by sections forty-one hundred and ninety-seven, forty-one hundred and ninety-eight, and forty-two hundred of the Revised Statutes to be set out in the masters' and shippers' manifests before clearance will be issued to vessels bound to foreign ports, each of which sections of the Revised Statutes is hereby declared to be and is continued in full force and effect, every master or person having charge or command of any vessel, domestic or foreign, whether requiring clearance or not, before departure of such vessel from port shall deliver to the collector of customs for the district wherein such vessel is then located a statement duly verified by oath, that the cargo or any part of the cargo is or is not to be delivered to other vessels in port or to be transshipped on the high seas and, if it is to be so delivered or transshipped, stating the kind and quantities and the value of the total quantity of each kind of article so to be delivered or transshipped, and the name of the person, corporation, vessel, or government, to whom the delivery or transshipment is to be made; and the owners, shippers, or consignors of the cargo of such vessel shall in the same manner and under the same conditions deliver to the collector like statements under oath as to the cargo or the parts thereof laden or shipped by them, respectively. *Sec. 4, id.*

1469s. *Forbidding departure of vessels, when.*—Whenever it appears that the vessel is not entitled to clearance or whenever there is reasonable cause to believe that the additional statements under oath required in the foregoing section are false, the collector of customs for the district in which the vessel is located may, subject to review by the Secretary of Commerce, refuse clearance to any vessel, domestic or foreign, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, forbid the departure of the vessel from the port or from the jurisdiction of the United States; and it shall thereupon be unlawful for the vessel to depart. *Sec. 5, id.*

1469t. *Unlawful taking of vessel out of port, punishment.*—Whoever, in violation of any of the provisions of this title, shall take, or attempt or conspire to take, or authorize the taking of any such vessel, out of port or from the jurisdiction of the United States, shall be fined not more than $10,000 or imprisoned not more than five years, or both; and, in addition, such vessel, her tackle, apparel,

furniture, equipment, and her cargo shall be forfeited to the United States. *Sec. 6, id.*

1469u. *Leaving jurisdiction, etc., by interned person of armed land or naval forces of belligerent nations; arrest and punishment.*—Whoever, being a person belonging to the armed land or naval forces of a belligerent nation or belligerent faction of any nation and being interned in the United States, in accordance with the law of nations, shall leave or attempt to leave said jurisdiction, or shall leave or attempt to leave the limits of internment in which freedom of movement has been allowed, without permission from the proper official of the United States in charge, or shall willfully overstay a leave of absence granted by such official, shall be subject to arrest by any marshal or deputy marshal of the United States, or by the military or naval authorities thereof, and shall be returned to the place of internment and there confined and safely kept for such period of time as the official of the United States in charge shall direct; and whoever, within the jurisdiction of the United States and subject thereto, shall aid or entice any interned person to escape or attempt to escape from the jurisdiction of the United States, or from the limits of internment prescribed, shall be fined not more than $1,000 or imprisoned not more than one year, or both. *Sec. 7, id., 223.*

1469v. *Employment of land or naval forces for enforcement of title.*—The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of this title. *Sec. 9, id.*

(For section 8 of this title see paragraph 1471a, post.)

1469w. *Neutrality resolution of March 4, 1915, repealed.*—The joint resolution approved March fourth, nineteen hundred and fifteen,[1] "To empower the President to better enforce and maintain the neutrality of the United States," and any Act or parts of Acts in conflict with the provisions of this title are hereby repealed. *Sec. 11, id.*

(For section 10 of this title see paragraph 1473a; and for general provisions of this act applicable to this title see paragraphs 1475q–1475t.)

1471a. *Organizing military expedition against friendly power, punishment.*—Whoever, within the territory or jurisdiction of the United States or of any of its possessions, knowingly begins or sets on foot or provides or prepares a means for or furnishes the money for, or who takes part in, any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States is at peace, shall be fined not more than $3,000 or imprisoned not more than three years, or both. *Title V,*

[1] Paragraphs 1469a and 1469b, ante, repealed.

Sec. 8, Act of June 15, 1917 (40 Stat. 223), amending Sec. 13, Act of Mar. 4, 1909, Criminal Code (35 Stat. 1090).

1472a. *Same—President authorized to use land or naval forces to prevent violation.*—The President of the United States be, and he is hereby, authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this resolution. *Joint resolution No. 14, Mar. 4, 1915 (38 Stat. 1226).*

1472b. *Same—Extends to all land and water, continental or insular, within jurisdiction of United States.*—The provisions of this resolution shall be deemed to extend to all land and water, continental or insular, within the jurisdiction of the United States. *Id. 1227.*

1473a. *Compelling foreign vessels to depart, etc.*—It shall be lawful for the President to employ such part of the land or naval forces of the United States, or of the militia thereof, as he may deem necessary to compel any foreign vessel to depart from the United States or any of its possessions in all cases in which, by the law of nations or the treaties of the United States, it ought not to remain, and to detain or prevent any foreign vessel from so departing in all cases in which, by the law of nations or the treaties of the United States, it is not entitled to depart. *Title V, Sec. 10, Act of June 15, 1917 (40 Stat. 223), amending Sec. 15, Act of Mar. 4, 1909, Criminal Code (35 Stat. 1091).*

MEXICO.

1475a. *Employment of armed force in, by President justified.*—The President is justified in the employment of the armed forces of the United States to enforce his demand for unequivocal amends for certain affronts and indignities committed against the United States. *Joint resolution No. 10, Apr. 22, 1914 (38 Stat. 770).*

1475b. *Same—Hostility to Mexican people disclaimed.*—The United States disclaims any hostility to the Mexican people or any purpose to make war upon Mexico. *Id.*

SEIZURE OF ARMS AND OTHER ARTICLES INTENDED FOR EXPORT.

1475c. *Authority to make seizure.*—Whenever an attempt is made to export or ship from or take out of the United States, any arms or munitions of war, or other articles, in violation of law, or whenever there shall be known or probable cause to believe that any such arms or munitions of war, or other articles, are being or are intended to be exported, or shipped from, or taken out of the United States, in violation of law, the several collectors, naval officers, surveyors, inspectors of customs, and marshals, and deputy marshals of the

United States, and every other person duly authorized for the purpose by the President, may seize and detain any articles or munitions of war about to be exported or shipped from, or taken out of the United States, in violation of law, and the vessels or vehicles containing the same, and retain possession thereof until released or disposed of as hereinafter directed. *Title VI, Sec. 1, Act of June 15, 1917 (40 Stat. 223).*

1475c¼. *Same—Forfeiture to United States.*—If upon due inquiry as hereinafter provided, the property seized shall appear to have been about to be so unlawfully exported, shipped from, or taken out of the United States, the same shall be forfeited to the United States. *Id., 224.*

1475d. *Same—Application for warrant, issue of warant.*—It shall be the duty of the person making any seizure under this title to apply, with due diligence, to the judge of the district court of the United States, or to the judge of the United States district court of the Canal Zone, or to the judge of a court of first instance in the Philippine Islands, having jurisdiction over the place within which the seizure is made, for a warrant to justify the further detention of the property so seized, which warrant shall be granted only on oath or affirmation showing that there is known or probable cause to believe that the property seized is being or is intended to be exported or shipped from or taken out of the United States in violation of law; and if the judge refuses to issue the warrant, or application therefor is not made by the person making the seizure within a reasonable time, not exceeding ten days after the seizure, the property shall forthwith be restored to the owner or person from whom seized. *Sec. 2, id.*

1475e. *Same—Custody of property seized.*—If the judge is satisfied that the seizure was justified under the provisions of this title and issues his warrant accordingly, then the property shall be detained by the person seizing it until the President, who is hereby expressly authorized so to do, orders it to be restored to the owner or claimant, or until it is discharged in due course of law on petition of the claimant, or on trial of condemnation proceedings, as hereinafter provided. *Id.*

1475f. *Same—Petition of owner for restoration, hearing.*—The owner or claimant of any property seized under this title may, at any time before condemnation proceedings have been instituted, as hereinafter provided, file his petition for its restoration in the district court of the United States, or the district court of the Canal Zone, or the court of first instance in the Philippine Islands, having jurisdiction over the place in which the seizure was made, whereupon the court shall advance the cause for hearing and determination with all possible dispatch, and, after causing notice to

be given to the United States attorney for the district and to the person making the seizure, shall proceed to hear and decide whether the property seized shall be restored to the petitioner or forfeited to the United States. *Sec. 3, id.*

1475g. *Same—Libel of property, sale of property.*—Whenever the person making any seizure under this title applies for and obtains a warrant for the detention of the property, and (a) upon the hearing and determination of the petition of the owner or claimant restoration is denied, or (b) the owner or claimant fails to file a petition for restoration within thirty days after the seizure, the United States attorney for the district wherein it was seized, upon direction of the Attorney General, shall institute libel proceedings in the United States district court or the district court of the Canal Zone or the court of first instance of the Philippine Islands having jurisdiction over the place wherein the seizure was made, against the property for condemnation; and if, after trial and hearing of the issues involved, the property is condemned, it shall be disposed of by sale, and the proceeds thereof, less the legal costs and charges, paid into the Treasury. *Sec. 4, id.*

1475h. *Same—Procedure on petition of owner and in libel.*—The proceedings in such summary trials upon the petition of the owner or claimant of the property seized, as well as in the libel cases herein provided for, shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such libel cases, and all such proceedings shall be at the suit of and in the name of the United States. *Sec. 5, id.*

1475i. *Same—Bond for redelivery of the property.*—Upon the payment of the costs and legal expenses of both the summary trials and the libel proceedings herein provided for, and the execution and delivery of a good and sufficient bond in an amount double the value of the property seized, conditioned that it will not be exported or used or employed contrary to the provisions of this title, the court, in its discretion, may direct that it be delivered to the owners thereof or to the claimants thereof. *Id., 225.*

1475j. *Same—Operation of title.*—Except in those cases in which the exportation of arms and munitions of war or other articles is forbidden by proclamation or otherwise by the President, as provided in section one of this title, nothing herein contained shall be construed to extend to, or interfere with any trade in such commodities, conducted with any foreign port or place wheresoever, or with any other trade which might have been lawfully carried on before the passage of this title, under the law of nations, or under the treaties or conventions entered into by the United States, or under the laws thereof. *Sec. 6, id.*

1475k. *Same—Release of property on payment of costs, etc.*—Upon payment of the costs and legal expenses incurred in any such summary trial for possession or libel proceedings, the President is hereby authorized, in his discretion, to order the release and restoration to the owner or claimant, as the case may be, of any property seized or condemned under the provisions of this title. *Sec. 7, id.*

1475l. *Same—Enforcement of title.*—The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of this title. *Sec. 8, id.*

(For general provisions of this act applicable to this title, see paragraphs 1475q–1475t.)

CERTAIN EXPORTS IN TIME OF WAR UNLAWFUL.

1475m. *Proclamation by the President as to.*—Whenever during the present war the President shall find that the public safety shall so require, and shall make proclamation[1] thereof, it shall be unlawful to export from or ship from or take out of the United States to any country named in such proclamation any article or articles mentioned in such proclamation, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: *Provided, however*, That no preference shall be given to the ports of one State over those of another. *Title VII, Sec. 1, Act of June 15, 1917 (40 Stat. 225.)*

1475n. *Same—Punishment for exportation, etc.*—Any person who shall export, ship, or take out, or deliver or attempt to deliver for export, shipment, or taking out, any article in violation of this title, or of any regulation or order made hereunder, shall be fined not more than $10,000, or, if a natural person, imprisoned for not more than two years, or both; and any article so delivered or exported, shipped, or taken out, or so attempted to be delivered or exported, shipped, or taken out, shall be seized and forfeited to the United States; and any officer, director, or agent of a corporation who participates in any such violation shall be liable to like fine or imprisonment, or both. *Sec. 2, id.*

1475o. *Same—Refusal of clearance to vessels.*—Whenever there is reasonable cause to believe that any vessel, domestic or foreign, is about to carry out of the United States any article or articles in violation of the provisions of this title, the collector of customs for the district in which such vessel is located is hereby authorized and empowered, subject to review by the Secretary of Commerce, to refuse clearance to any such vessel, domestic or foreign, for which

[1] See proclamations of the President of July 9, August 27, and September 7, 1917.

clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the departure of such vessel from the port, and it shall thereupon be unlawful for such vessel to depart. *Sec. 3, id.*

1475p. *Same—Punishment for taking, etc., such vessels out of port, etc.*—Whoever, in violation of any of the provisions of this section shall take, or attempt to take, or authorize the taking of any such vessel, out of port or from the jurisdiction of the United States, shall be fined not more than $10,000 or imprisoned not more than two years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her forbidden cargo shall be forfeited to the United States. *Id.*

(For general provisions of this act applicable to the title, see paragraphs 1475q–1475t.)

GENERAL PROVISIONS.

1475q. *United States defined.*—The term "United States" as used in this Act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States. *Title XIII, Sec. 1, id., 231.*

(For Title XII of this act see paragraphs 253a–253e, ante.)

1475r. *Jurisdiction of offenses.*—The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this Act committed within their respective districts, and concurrent jurisdiction with the district courts of the United States of offenses under this Act committed upon the high seas, and of conspiracies to commit such offenses, as defined by section thirty-seven[1] of the Act entitled "An Act to codify, revise, and amend the penal laws of the United Sates," approved March fourth, nineteen hundred and nine, and the provisions of said section, for the purpose of this Act, are hereby extended to the Philippine Islands and to the Canal Zone. In such cases the district attorneys of the Philippine Islands and of the Canal Zone shall have the powers and perform the duties provided in this Act for United States attorneys. *Sec. 2, id.*

1475s. *Prosecutions under prior laws, repealed, etc.*—Offenses committed and penalties, forfeitures, or liabilities incurred prior to the taking effect hereof under any law embraced in or changed, modified, or repealed by any chapter of this Act may be prosecuted and punished, and suits and proceedings for causes arising or acts done or committed prior to the taking effect hereof may be commenced and

[1] 36 Stat. 1098.

prosecuted, in the same manner and with the same effect as if this Act had not been passed. *Sec. 3, id.*

1475t. *Effect of partial invalidity of Act.*—If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. *Sec. 4, id.*

CHAPTER XXXV.

PENSION LAWS.

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MILITARY AND NAVAL INSURANCE.

1483a. *Bureau of War Risk Insurance, Director, salary.*—There is established in the Treasury Department a Bureau to be known as the Bureau of War Risk Insurance, the director of which shall receive a salary at the rate of $5,000 per annum. *Sec. 1, Act of Oct. 6, 1917 (40 Stat. 398).*

1483b. *Divisions of Military and Naval Insurance and Marine and Seamen's Insurance; commissioners, salary.*—There be in such bureau a Division of Marine and Seamen's Insurance and a Division of Military and Naval Insurance in charge of a commissioner of Marine and Seamen's Insurance and a commissioner of Military and Naval Insurance, respectively, each of whom shall receive a salary of $4,000 per annum. *Id.*

1483c. *Certain sections applicable only to Division of Marine and Seamen's Insurance.*—Sections two to seven, inclusive, and section nine, shall be construed to refer only to the Division of Marine and Seamen's Insurance. *Sec. 2–12, id.*

1483d. *General powers and duties of director.*—The director, subject to the general direction of the Secretary of the Treasury, shall administer, execute, and enforce the provisions of this Act, and for that purpose have full power and authority to make rules and regulations, not inconsistent with the provisions of this Act, necessary or appropriate to carry out its purposes, and shall decide all questions arising under the Act, except as otherwise provided in sections five and four hundred and five. *Secs. 2–13, id., 399.*

1483e. *Regulations made by director; rules respecting procedure of divisions; compensation of claim agents and attorneys; proofs and evidence, etc.*—Wherever under any provision or provisions of the Act regulations are directed or authorized to be made, such regulations, unless the context otherwise requires, shall or may be made by the director, subject to the general direction of the Secretary of the Treasury. The director shall adopt reasonable and proper rules to govern the procedure of the divisions, to regulate the matter of the compensation, if any, but in no case to exceed ten per centum, to be paid to claim agents and attorneys for services in connection with any of the matters provided for in articles two, three, and four, and to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits of allowance, allotment, compensation, or insurance provided for in this Act, the forms of application of those claiming to be entitled to such benefits, the method of making investigations and medical examinations, and the manner and form of adjudications and awards. *Id.*

1483f. *Deputies, assistants, actuaries, etc.*—The bureau and its divisions shall have such deputies, assistants, actuaries, clerks, and other employees as may be from time to time provided by Congress. *Sec. 2–14, id.*

1483g. *Service of surgeons of Army and Navy.*—The bureau shall, by arrangement with the Secretary of War and the Secretary of the Navy, respectively, make use of the services of surgeons in the Army and Navy. *Id.*

1483h. *Advisory board, establishment, powers, duties, and compensation.*—The Secretary of the Treasury is authorized to establish an advisory board consisting of three members skilled in the practice of insurance against death or disability for the purpose of assisting the Division of Military and Naval Insurance in fixing premium rates and in the adjustment of claims for losses under the contracts of insurance provided for in article four and in adjusting claims for compensation under article three; compensation for the persons so appointed to be determined by the Secretary of the Treasury, but not to exceed $20 a day each while actually employed. *Id.*

1483i. *Subpœnas, etc., for witnesses, etc.; administration of oaths.*—For the purposes of this Act, the director, commissioners, and deputy commissioners shall have power to issue subpœnas for and compel the attendance of witnesses within a radius of one hundred miles, to require the production of books, papers, documents, and other evidence, to administer oaths and to examine witnesses upon any matter within the jurisdiction of the bureau. *Sec. 2–15, id.*

1483j. *Information and reports of officials, etc., of United States and States.*—The director may obtain such information and such reports from officials and employees of the departments of the Government of the United States and of the States as may be agreed upon by the heads of the respective departments. *Id.*

1438k. *Disobedience to subpœnas, etc., contempt.*—In case of disobedience to a subpœna, the bureau may invoke the aid of any district court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court, within the jurisdiction of which the inquiry is carried on, may, in case of contumacy or refusal to obey a subpœna issued to any officer, agent, or employee of any corporation or other person, issue an order requiring such corporation or other person to appear before the bureau, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. *Id.*

1483l. *Same—Fees and mileage of witnesses.*—Any person so required to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States. *Id.*

1483m. *Annual estimate of appropriations for bureau.*—The director shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the work of the bureau. *Sec. 2–16, id., 400.*

1483n. *Appropriation for expenses.*—For the purpose of carrying out the provisions of this Act there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $100,000, for the payment of all expenses incident to the work authorized under this Act, including salaries of the director and commissioners and of such deputies, assistants, accountants, experts, clerks, and other employees in the District of Columbia or elsewhere, as the Secretary of the Treasury may deem necessary, traveling expenses. rent and equipment of offices, typewriters and exchange of same, purchase of law books and books of reference, printing and binding to be done at the Government Printing Office, and all other necessary expenses. *Id.*

1483o. *Application of civil service rules to employees, exceptions.*—With the exception of the director, the commissioners, and such special experts as the Secretary of the Treasury may from time to time find necessary for the conduct of the work of the bureau, all employees of the bureau shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil-service law. *Id.*

1483p. *Same—Fees, allowances, and salaries of.*—Such fees, allowances, and salaries shall be the same as are paid for similar services in other departments of the Government. *Id.*

(For the ensuing sections of this act see paragraphs 712aa, ante, 1483aaaa, 1483yyyy, 1483zzzz, post.)

1483q. *Evidence of marriage of claimants.*—For the purpose of this amendatory Act the marriage of the claimant to the person on account of whom the claim is made shall be shown—

(1) By a duly verified copy of a public or church record; or

(2) By the affidavit of the clergyman or magistrate who officiated; or

(3) By the testimony of two or more eyewitnesses to the ceremony; or

(4) By a duly verified copy of the church record of baptism of the children; or

(5) By the testimony of two or more witnesses who know that the parties lived together as husband and wife, and were recognized as such, and who shall state how long, within their knowledge, such relation continued. *Sec. 2–22, id.*

1483r. *Same—Legal marriage according to law of domicile.*—Marriages, except such as are mentioned in section forty-seven hundred and five of the Revised Statutes, shall be proven in compensation or

insurance cases to be legal marriages according to the law of the place where the parties resided at the time of marriage or at the time when the right to compensation or insurance accrued; and the open and notorious illicit cohabitation of a widow who is a claimant shall operate to terminate her right to compensation or insurance from the commencement of such cohabitation. *Id.*, *401.*

1483s. *Presumption of marriage in connection with allotments and family allowances.*—For the purpose of the administration of Article II [1] of this Act marriage shall be conclusively presumed, in the absence of proof, that there is a legal spouse living, if the man and woman have lived together in the openly acknowledged relation of husband and wife during the two years immediately preceding the date of the declaration of war, or the date of enlistment or of entrance into or employment in active service in the military or naval forces of the United States if subsequent to such declaration. *Id.*

1483t. *Child defined.*—On Articles II, III, and IV [2] of this Act unless the context otherwise requires—

The term "child" includes—

(a) A legitimate child.

(b) A child legally adopted more than six months before the enactment of this amendatory Act or before enlistment or entrance into or employment in active service in the military or naval forces of the United States, whichever of these dates is the later.

(c) A stepchild, if a member of the man's household.

(d) An illegitimate child, but, as to the father, only, if acknowledged by instrument in writing signed by him, or if he has been judicially ordered or decreed to contribute to such child's support, and if such child, if born after December thirty-first, nineteen hundred and seventeen, shall have been born in the United States, or in its insular possessions. *Id.*

1483u. *Grandchild defined.*—The term "grandchild" means a child as above defined of a child as above defined. *Id.*

1483v. *Age limit of children and grandchildren, unless permanently helpless.*—Except as used in section four hundred and one and in section four hundred and two the terms "child" and "grandchild" are limited to unmarried persons either (a) under eighteen years of age, or (b) of any age, if insane, idiotic, or otherwise permanently helpless. *Id.*

1483w. *Parent defined.*—The term "parent" includes a father, mother, grandfather, grandmother, stepfather, and stepmother, either of the person in the service or of the spouse. *Id.*

1483x. *Brother and sister defined.*—The terms "brother" and "sister" include brothers and sisters of the half blood as well as

[1] See paragraphs 712b–712aa, ante.

[2] See paragraphs 712b–712aa, ante, paragraphs 1483kk–1483bbbb, and 1483cccc–1483nnnnn, post.

those of the whole blood, stepbrothers and stepsisters, and brothers and sisters through adoption. *Id.*

1483y. *Commissioned officer defined, includes warrant officer.*—The term "commissioned officer" includes a warrant officer, but includes only an officer in active service in the military or naval forces of the United States. *Id.*

1483z. *Man and enlisted man defined.*—The terms "man" and "enlisted man" mean a person, whether male or female, and whether enlisted, enrolled, or drafted into active service in the military or naval forces of the United States, and includes noncommissioned and petty officers, and members of training camps authorized by law.[1] *Id.*

1483aa. *Enlistment defined.*—The term "enlistment" includes voluntary enlistment, draft, and enrollment in active service in the military or naval forces of the United States. *Id.*

1483bb. *Commissioner defined.*—The term "commissioner" means the Commissioner of Military and Naval Insurance. *Id.*

1483cc. *Injury defined.*—The term "injury" includes disease. *Id., 402.*

1483dd. *Pay defined.*—The term "pay" means the pay for service in the United States according to grade and length of service, excluding all allowances. *Id.*

1483ee. *Military or naval forces defined.*—The term "military or naval forces" means the Army, the Navy, the Marine Corps, the Coast Guard, the Naval Reserves, the National Naval Volunteers, and any other branch of the United States service while serving pursuant to law with the Army or the Navy. *Id.*

1843ff. *Payments to minors, etc.*—When, by the terms of this amendatory Act, any payment is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent, such payment shall be made to the person who is constituted guardian or curator by the laws of the State or residence of claimant, or is otherwise legally vested with responsibility or care of the claimant.[2] *Sec. 2-23, id.*

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[1] A drafted man, according to the presidential regulations, is inducted into the military service from the time he is required to report for military service. From that moment he is an enlisted man within the definition of section 22 of the war-risk insurance act of October 6, 1917 (40 Stat., 398), and as such becomes entitled to insurance under Article IV of that act without any physical examination, irrespective of whether he be ill or diseased or otherwise so circumstanced that he would be unable to procure insurance from any private insurance company. (Dig. Opin. J. A. G., February, 1918.)

[2] Whenever, under the provisions of the war risk insurance act of October 6, 1917 (40 Stat. 398), an allotment is made to a minor, whether the minor be child, brother, sister, or other relative of the allotter, the allotter must designate some adult person to whom the money is to be paid for the minor. It is not necessary that a legal guardian be appointed for such minor. (Dig. Opin. J. A. G., February, 1918.)

1483gg. *Information, etc., by bureau to persons in military or naval service.*—The Bureau of War Risk Insurance, so far as practicable, shall upon request furnish information to and act for persons in the military or naval service, with respect to any contracts of insurance whether with the Government or otherwise, as may be prescribed by regulations. *Sec. 2–24, id.*

1483hh. *Record of insurance held by officers and enlisted men of military and naval service.*—Said bureau may upon request procure from and keep a record of the amount and kind of insurance held by every commissioned and appointive officer and of every enlisted man in the military or naval service of the United States, including the name and principal place of business of the company, society, or organization in which such insurance is held, the date of the policy, amount of premium, name and relationship of the beneficiary, and such other data as may be deemed of service in protecting the interests of the insured and beneficiaries. *Id.*

1483ii. *False statements in claims constitute perjury, punishment.*—Whoever in any claim for family allowance, compensation, or insurance, or in any document required by this Act or by regulation made under this Act, makes any statement of a material fact knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both. *Sec. 2–25, id.*

1483jj. *Fraudulent acceptance of payments under act, punishment.*—If any person entitled to payment of family allowance or compensation under this Act, whose right to such payment under this Act ceases upon the happening of any contingency, thereafter fraudulently accepts any such payment, he shall be punished by a fine of not more than $2,000, or by imprisonment for not more than one year, or both. *Id.*

(For Article II of this act dealing with allotments and family allowances see paragraphs 712b–712aa, ante.)

COMPENSATION FOR DEATH OR DISABILITY.

1483kk. *Payable, to whom.*—For death or disability resulting from personal injury suffered or disease contracted in the line of duty, by any commissioned officer or enlisted man or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department, the United States shall pay compensation as hereinafter provided; but no compensation shall be paid if the injury or

disease has been caused by his own willful misconduct.[1] *Sec. 2–300, id., 405.*

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[1] DECISIONS OF THE DIRECTOR OF THE BUREAU OF WAR-RISK INSURANCE.

PERSONS ENTITED TO WAR-RISK INSURANCE AND OTHER BENEFITS OF THE ACT OF OCTOBER 6, 1917.

(1) *Field clerks, Quartermaster Corps.*—Field clerks, Quartermaster Corps, are within the terms of the act as enlisted men.

(2) *Army field clerks.*—Army field clerks have the same military status as field clerks, Quartermaster Corps, and are within the terms of the act as enlisted men.

(3) *Members of training camps.*—Members of training camps authorized by law are within the terms of the act.

(4) *Students in aviation camps.*—Students in aviation camps who are enlisted men are within the terms of the act.

(5) *Medical officers, Public Health Service.*—Officers of the Public Health Service when detailed for duty with the Army or Navy are within the terms of the act as officers in the active service of the United States. (See T. D. 8, W. R. (8), as to "contract surgeons.")

(6) *Male nurses, enlisted.*—Male nurses who are enlisted men of the Medical Department are within the terms of the act. (But see T. D. 8, W. R. (9), as to civilians employed as "contract nurses.")

(7) *Retired officers or men ordered to active duty.*—Officers and men on the retired list who are ordered to active duty by the War Department or Navy Department are in active service and are within the terms of the act.

(8) *Personnel of Lighthouse Service.*—The personnel of the Lighthouse Service, transferred to the service and jurisdiction of the War and Navy Departments by Executive order pursuant to the act of August 29, 1916, are within the terms of the act of October 6, 1917.

PERSONS NOT ENTITLED TO THE BENEFITS OF THE ACT OF OCTOBER 6, 1917.

(1) *Cadets at West Point and midshipmen at Annapolis.*—Cadets at West Point and midshipmen at Annapolis who are not assigned to active service are not within the terms of the act.

(2) *Cadets and cadet engineers, Coast Guard.*—Cadets at the Coast Guard Academy and cadet engineers in the Coast Guard who are not assigned to active service are not within the terms of the act.

(3) *Russian Railway Service Corps.*—Men in the Russian Railway Service Corps are not within the terms of the act.

(4) *Draftsmen in Engineer Corps.*—Draftsmen in the Engineer Corps are civilian employees in the Military Establishment obtained by the department through the civil service and are not within the terms of the act.

(5) *Field clerks, Engineer Corps.*—The so-called field clerks in the Engineer Corps are civilian employees who have no military status. They are not within the terms of the act.

(6) *Civilian field clerks, Signal Corps.*—Civilian field clerks, Signal Corps, are civilian employees in the Military Establishment and are not within the terms of the act.

(7) *Postal agents serving in France.*—Postal agents sent to France by the Post Office Department to handle field mail for the troops are civilian employees and are not within the terms of the act.

(8) *Contract surgeons.*—Contract surgeons are civilians under employment by the United States by contract for their personal services as medical attendants to the troops and are not within the terms of the act. (See T. D. 7, W. R. (5), as to medical officers, Public Health Service.)

(9) *Contract nurses.*—Civilians employed as "contract nurses" in the Army or Navy are not within the terms of the act. (But see T. D. 7, W. R. (6), as to enlisted male nurses.)

(33 Treas. Dec. 65–67, T. D. 7, W. R. T. D. 8, W. R., Dec. 12, 1917; War Dept. Bull. 75, Dec. 31, 1917.)

14831l. *Compensation for death, amounts payable to widow and children.*—If death results from injury—

If the deceased leaves a widow or child, or if he leaves a widowed mother dependent upon him for support, the monthly compensation shall be the following amounts:

(a) For a widow alone, $25.

(b) For a widow and one child, $35.

(c) For a widow and two children, $47.50, with $5 for each additional child up to two.

(d) If there be no widow, then for one child, $20.

(e) For two children, $30.

(f) For three children, $40, with $5 for each additional child up to two. *Sec. 2–301, id.*

1483mm. *Same—Amount payable to widowed mother.*—For a widowed mother, $20. The amount payable under this subdivision shall not be greater than a sum which, when added to the total amount payable to the widow and children, does not exceed $75. *Id.*

1483nn. *Same—Compensation for death of but one child in absence of compensation for death of husband.*—This compensation shall be payable for the death of but one child, and no compensation for the death of a child shall be payable if such widowed mother is in receipt of compensation under the provisions of this article for the death of her husband. *Id.*

1483oo. *Same—Right of widowed mother not dependent on date of widowhood and date of death, etc.*—Such compensation shall be payable whether her widowhood arises before or after the death of the person and whenever her condition is such that if the person were living the widowed mother would have been dependent upon him for support. *Id.*

1483pp. *Burial expenses, etc., in case of death prior to discharge or resignation.*—If the death occur before discharge or resignation from service, the United States shall pay for burial expenses and the return of body to his home a sum not to exceed $100, as may be fixed by regulations. *Id.*

1483qq. *Duration of compensation to widow or widowed mother.*—The payment of compensation to a widow or widowed mother shall continue until her death or remarriage. *Id.*

1483rr. *Duration of compensation to child.*—The payment of compensation to or for a child shall continue until such child reaches the age of eighteen years or marries, or if such child be incapable, because of insanity, idiocy, or being otherwise permanently helpless, then during such incapacity. *Id.*

1483ss. *Compensation to remaining beneficiaries where payment has ceased to some of the beneficiaries.*—Whenever the compensation payable to or for the benefit of any person under the provisions of this section is terminated by the happening of the contingency upon

which it is limited, the compensation thereafter for the remaining beneficiary or beneficiaries, if any, shall be the amount which would have been payable to them if they had been the sole original beneficiaries. *Id.*

1483tt. *Apportionment of compensation between widow and children not in her custody, etc.*—As between the widow and the children not in her custody, and as between children, the amount of the compensation shall be apportioned as may be prescribed by regulations. *Id.*

1483uu. *Restriction as to time of marriage, subsequent to receipt of injury.*—The word "widow" as used in this section shall not include one who shall have married the deceased later than ten years after the time of injury. *Id., 406.*

1483vv. *Compensation for disability, amounts.*—If disability results from the injury—

If and while the disability is total, the monthly compensation shall be the following amounts:

(a) If he has neither wife nor child living, $30.

(b) If he has a wife but no child living, $45.

(c) If he has a wife and one child living, $55.

(d) If he has a wife and two children living, $65.

(e) If he has a wife and three or more children living, $75.

(f) If he has no wife but one child living, $40, with $10 for each additional child up to two.

(g) If he has a widowed mother dependent on him for support, then, in addition to the above amounts, $10. *Sec. 2-302, id.*

1483ww. *Same—Nurse or attendant where totally disabled.*—To an injured person who is totally disabled and in addition so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding $20 per month, as the director may deem reasonable. *Id.*

1483xx. *Same—Maximum compensation for loss of both feet, hands, or eyes.*—For the loss of both feet or both hands or both eyes, or for becoming totally blind or helpless and permanently bedridden from causes occurring in the line of duty in the service of the United States, the rate of compensation shall be $100 per month: *Provided further*, That no allowance shall be made for nurse or attendant. *Id.*

1483yy. *Compensation for partial disability to be percentage of that for total disability.*—If and while the disability is partial, the monthly compensation shall be a percentage of the compensation that would be payable for his total disability, equal to the degree of the reduction in earning capacity resulting from the disability, but no compensation shall be payable for a reduction in earning capacity rated at less than ten per centum. *Id.*

1483zz. *Adoption of schedule of ratings of reduced earning capacity for permanent injuries, maximum rating.*—A schedule of ratings of reductions in earning capacity from specific injuries or combinations of injuries of a permanent nature shall be adopted and applied by the bureau. Ratings may be as high as one hundred per centum. *Id.*

1483aaa. *Same—Basis of ratings, revision of schedule.*—The ratings shall be based, as far as practicable, upon the average impairments of earning capacity resulting from such injuries in civil occupations and not upon the impairment in earning capacity in each individual case, so that there shall be no reduction in the rate of compensation for individual success in overcoming the handicap of a permanent injury. The bureau shall from time to time readjust this schedule of ratings in accordance with actual experience. *Id.*

1483bbb. *Medical, surgical, and hospital services and supplies, etc.*—In addition to the compensation above provided, the injured person shall be furnished by the United States such reasonable governmental medical, surgical, and hospital services and with such supplies, including artificial limbs, trusses, and similar appliances, as the director may determine to be useful and reasonably necessary. *Id.*

1483ccc. *Same—Military or naval control prior to discharge.*—Nothing in this Act shall be construed to affect the necessary military control over any member of the military or naval establishments before he shall have been discharged from the military or naval service. *Id.*

1483ddd. *Amount of monthly compensation dependent on existing conditions.*—The amount of each monthly payment shall be determined according to the family conditions then existing. *Id.*

1483eee. *Examination of persons receiving compensation.*—Every person applying for or in receipt of compensation for disability under the provisions of this article shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the director. *Sec. 2–303, id.*

1483fff. *Same—Personal physician may participate in.*—He may have a duly qualified physician designated and paid by him present to participate in such examination. *Id.*

1483ggg. *Same—Traveling and other expenses, etc., in connection with.*—For all examinations he shall, in the discretion of the director, be paid his reasonable traveling and other expenses and also loss of wages incurred in order to submit to such examination. *Id.*

1483hhh. *Same—Refusal to submit to, etc.*—If he refuses to submit himself for, or in any way obstructs, any examination, his right to

claim compensation under this article shall be suspended until such refusal or obstruction ceases. *Id., 407.*

1483iii. *Same—Compensation to cease during such refusal, etc.*—No compensation shall be payable while such refusal or obstruction continues, and no compensation shall be payable for the intervening period. *Id.*

1483jjj. *Submission to medical or surgical treatment.*—Every person in receipt of compensation for disability shall submit to any reasonable medical or surgical treatment furnished by the bureau whenever requested by the bureau; and the consequences of unreasonable refusal to submit to any such treatment shall not be deemed to result from the injury compensated for. *Id.*

(For the ensuing provisions of this act see paragraphs 12931–12931, ante.)

1483kkk. *Review of awards.*—Upon its own motion or upon application the bureau may at any time review an award, and, in accordance with the facts found upon such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, may award compensation. *Sec. 2–305, id.*

(For the provisions of this act immediately preceding this paragraph see paragraphs 12931–12931, post.)

1483lll. *Time of occurrence of death or disability as affecting right to compensation.*—No compensation shall be payable for death or disability which does not occur prior to or within one year after discharge or resignation from the service, except that where, after a medical examination made pursuant to regulations, at the time of discharge or resignation from the service, or within such reasonable time thereafter, not exceeding one year, as may be allowed by regulations, a certificate has been obtained from the director to the effect that the injured person at the time of his discharge or resignation was suffering from injury likely to result in death or disability, compensation shall be payable for death or disability, whenever occurring, proximately resulting from such injury. *Sec. 2–306, id.*

1483mmm. *Official record of death as prerequisite to payment of compensation.*—Compensation shall not be payable for death in the course of the service until the death be officially recorded in the department under which he may be serving. No compensation shall be payable for a period during which the man has been reported "missing" and a family allowance has been paid for him under the provisions of Article II.[1] *Sec. 2–307, id.*

1483nnn. *No compensation for death inflicted as lawful punishment.*—No compensation shall be payable for death inflicted as a

[1] See paragraphs 712h–712v, ante.

1531c. *Falsely making, forging, etc., naval, military, or official passes, etc., punishment.*—Whoever shall falsely make, forge, counterfeit, alter, or tamper with any naval, military, or official pass or permit, issued by or under the authority of the United States, or with wrongful or fraudulent intent shall use or have in his possession any such pass or permit, or shall personate or falsely represent himself to be or not to be a person to whom such pass or permit has been duly issued, or shall willfully allow any other person to have or use any such pass or permit, issued for his use alone, shall be fined not more than $2,000 or imprisoned not more than five years, or both. *Sec. 3, id.*

(For general provisions of this act applicable to this title, see paragraphs 1475q–1475t.)

dependents, except in so far as rights under any such law shall have heretofore accrued.[1] *Id.*

1483xxx. *Compensation for death or disability of members of Army or Navy Nurse Corps in lieu of compensation provided by Act of September 7, 1916.*—Compensation because of disability or death of members of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) shall be in lieu of any compensation for such disability or death under the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September seventh, nineteen hundred and sixteen.[2] *Id.*

1483yyy. *Assignment to United States by persons receiving compensation of right of action against third person for injury causing death or disability.*—If an injury or death for which compensation is payable under this amendatory Act is caused under circumstances creating a legal liability upon some person other than the United States or the enemy to pay damages therefor, the director, as a condition to payment of compensation by the United States, shall require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person. *Sec. 2–313, id.*

1483zzz. *Same—Settlement of action so assigned and disposition of proceeds.*—The cause of action so assigned to the United States may be prosecuted or compromised by the director and any money realized thereon shall be placed to the credit of the compensation fund. *Id.*

(For the ensuing section of this act see paragraphs 1498h, 1498i, 1483bbbb, post).

1483aaaa. *Military and naval compensation appropriation, payments from.*—There is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of $12,150,000, to be known as the military and naval compensation appropriation, for the payment of the compensation, funeral expenses, services, and supplies provided by Article III.[3] Payments out of this appropria-

[1] See paragraphs 1062 and 1062, ante.

No right to a pension has accrued to the wife of a Spanish War veteran now in the service. Section 312 of the war-risk insurance act of October 6, 1917, provides that existing pension laws shall not be applicable to persons now in the service or to their wives, children, or dependents, and, accordingly, prevents the accrual in the future of any such right to a pension. (Dig. Opin. J. A. G., January, 1918.)

The act of May 11, 1908, as amended by the act of March 3, 1909, in so far as it grants a gratuity to designated persons upon the death of a commissioned officer or enlisted man, has been repealed by section 312 of the war-risk insurance act of October 6, 1917. (Dig. Opin. J. A. G., March, 1918.)

[2] See paragraphs 66a–66111, ante.

[3] See paragraphs 1483kk–1483xxx, ante.

CHAPTER XL.

RESERVE CORPS.

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1483dddd. *Application for insurance, time of making.*—Such insurance must be applied for within one hundred and twenty days after enlistment or after entrance into or employment in the active service and before discharge or resignation, except that those persons who are in the active war service at the time of the publication of the terms and conditions of such contract of insurance may apply at any time within one hundred and twenty days thereafter and while in such service.[1] *Sec. 2–401, id.*

1483eeee. *Persons deemed to have applied for insurance in certain amount.*—Any person in the active service on or after the sixth day of April, nineteen hundred and seventeen, who, while in such service and before the expiration of one hundred and twenty days from and after such publication, becomes or has become totally and permanently disabled or dies, or has died, without having applied for insurance, shall be deemed to have applied for and to have been granted insurance, payable to such person during his life in monthly installments of $25 each. *Id.*

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ments by Executive Order pursuant to the act of August 29, 1916, are within the terms of the act of October 6, 1917.

PERSONS NOT ENTITLED TO THE BENEFITS OF THE ACT OF OCTOBER 6, 1917.

(1) ***Cadets at West Point and Midshipmen at Annapolis.***—Cadets at West Point and midshipmen at Annapolis who are not assigned to active service are not within the terms of the act.

(2) ***Cadets and cadet engineers, Coast Guard.***—Cadets at the Coast Guard Academy and cadet engineers in the Coast Guard who are not assigned to active service are not within the terms of the act.

(3) ***Russian Railway Service Corps.***—Men in the Russian Railway Service Corps are not within the terms of the act.

(4) ***Draftsmen in Engineer Corps.***—Draftsmen in the Engineer Corps are civilian employees in the Military Establishment obtained by the department through the civil service and are not within the terms of the act.

(5) ***Field clerks, Engineer Corps.***—The so-called field clerks in the Engineer Corps are civilian employees who have no military status. They are not within the terms of the act.

(6) ***Civilian field clerks, Signal Corps.***—Civilian field clerks, Signal Corps, are civilian employees in the Military Establishment and are not within the terms of the act.

(7) ***Postal agents serving in France.***—Postal agents sent to France by the Post Office Department to handle field mail for the troops are civilian employees and are not within the terms of the act.

(8) ***Contract surgeons.***—Contract surgeons are civilians under employment by the United States by contract for their personal services as medical attendants to the troops and are not within the terms of the act. (See T. D. 7, W. R. (5), as to medical officers, Public Health Service.)

(9) ***Contract nurses.***—Civilians employed as "contract nurses" in the Army or Navy are not within the terms of the act. (But see T. D. 7, W. R. (6), as to enlisted male nurses.)

(33 Treas. Dec. 65–67, T. D. 7, W. R. T. D. 8, W. R., Dec. 12, 1917; War Dept. Bull. 75, Dec. 31, 1917.)

Where a man guilty of fraudulent enlistment by reason of concealment of minority has been discharged on account of the fraudulent enlistment, all rights which he acquired by reason of such fraudulent enlistment are voided. Consequently, the Government is entitled to cancel all war-risk insurance applied for by and granted to such man under the act of October 6, 1917 (40 Stat. 398), while he was in the service. (Dig. Opin. J. A. G., February, 1918.)

[1] In forwarding applications for family allowances and for insurance, officers may use penalty envelopes; but these may not be registered without payment of the registration fee. (War Dept. Bull. 75, Dec. 31, 1917.)

1483ffff. *Same—Payment to widow, child, or widowed mother.*—If he shall die either before he shall have received any such monthly installments or before he shall have received two hundred and forty of such monthly installments, then $25 per month shall be paid to his wife from the time of his death and during her widowhood, or to his child, or widowed mother if and while they survive him. *Id.*

1483gggg. *Same—Total payments not to exceed 240 monthly installments, apportionment of.*—Not more than two hundred and forty of such monthly installments, including those received by such person during his total and permanent disability, shall be so paid; and in that event the amount of the monthly installments shall be apportioned between them as may be provided by regulations. *Id.*

1483hhhh. *Terms and conditions of insurance contracts, publication of.*—The director, subject to the general direction of the Secretary of the Treasury, shall promptly determine upon and publish the full and exact terms and conditions of such contract of insurance. *Sec. 2–402, id.*

1483iiii. *Insurance not assignable or subject to claims of creditors.*—The insurance shall not be assignable, and shall not be subject to the claims of creditors of the insured or of the beneficiary. *Id.*

1483jjjj. *Same—To whom payable.*—It shall be payable only to a spouse, child, grandchild, parent, brother or sister, and also during total and permanent disability to the injured person, or to any or all of them. *Id.*

1483kkkk. *Same—Payment in installments.*—The insurance shall be payable in two hundred and forty equal monthly installments. *Id.*

1483llll. *Provision for maturity, continuous installments, cash, loan, paid-up values, etc.*—Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for cash, loan, paid-up and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance, or from time to time by regulations. *Id.*

1483mmmm. *Calculations based upon American Experience Table of Motality.*—All calculations shall be based upon the American Experience Table of Mortality and interest at three and one-half per centum per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than two hundred and forty months. *Id.*

1483nnnn. *Change of beneficiaries.*—Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries of such insurance without the consent of such beneficiary or beneficiaries, but only within the classes herein provided.[1] *Id.*

1483oooo. *Payment where no beneficiary is named.*—If no beneficiary within the permitted class be designated by the insured, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, the insurance shall be payable to such person or persons, within the permitted class of beneficiaries as would under the laws of the State of the residence of the insured, be entitled to his personal property in case of intestacy. *Id., 410.*

1483pppp. *Same—Cash payment to estate where beneficiary does not survive, etc.*—If no such person survive the insured, then there shall be paid to the estate of the insured an amount equal to the reserve value, if any, of the insurance at the time of his death, calculated on the basis of the American Experience Table of Mortality and three and one-half per centum interest in full of all obligations under the contract of insurance. *Id.*

1483qqqq. *Expense of administration and excess mortality and disability cost due to war hazards borne by United States.*—The United States shall bear the expenses of administration and the excess mortality and disability cost resulting from the hazards of war. *Sec. 2-403, id.*

1483rrrr. *Premium rates.*—The premium rates shall be the net rates based upon the American Experience Table of Mortality and interest at three and one-half per centum per annum. *Id.*

1483ssss. *Form of insurance.*—During the period of war and thereafter until converted the insurance shall be term insurance for successive terms of one year each. *Sec. 2-404, id.*

1483tttt. *Same—Conversion of term insurance into other forms.*—Not later than five years after the date of the termination of the war as declared by proclamation of the President of the United States, the term insurance shall be converted, without medical examination, into such form or forms of insurance as may be prescribed by regulations and as the insured may request. *Id.*

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[1] A subject of Germany, and a subject of Austria, now enlisted in the military service of the United States, may name as beneficiaries under the war-risk insurance act (40 Stat. 398, 409) persons within the designated class of beneficiaries who are residents of Austria. It is immaterial that such beneficiaries are alien enemies, since by the act the right to name as beneficiaries any persons within the designated class is given without qualification to all officers and enlisted men. Whether upon maturity of the policy immediate remittance of the installments due should be made to such a beneficiary would depend upon considerations of a political rather than a legal character. (Dig. Opin. J. A. G., February, 1918.)

CHAPTER XXXVIII.

FLAG AND SEAL OF THE UNITED STATES.

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Same—Falsely making, forging, etc., seal of executive departments, etc., punishment	1531b
Falsely making, forging, etc., naval, military, or official passes, etc., punishment	1531c

1529a. *The flag in the District of Columbia, desecration, mutilation, or improper use of.*—Hereafter any person who, within the District of Columbia, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing or any advertisement of any nature upon any flag, standard, colors or ensign of the United States of America; or shall expose or cause to be exposed to public view any such flag, standard, colors or ensign upon which shall have been printed, painted or otherwise placed, or to which shall be attached, appended, affixed or annexed any word, figure, mark, picture, design or drawing, or any advertisement of any nature; or who, within the District of Columbia, shall manufacture, sell, expose for sale or to public view or give away or have in possession for sale or to be given away or for use for any purpose, any article or substance being an article of merchandise, or a receptacle for merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached or otherwise placed a representation of any such flag, standard, colors or ensign, to advertise, call attention to, decorate, mark or distinguish the article or substance on which so placed; or who, within the District of Columbia, shall publicly mutilate, deface, defile or defy, trample upon or cast contempt, either by word or act, upon any such flag, standard, colors or ensign, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding $100

1483xxxx. *Unlawful charges or fees for services rendered.*—No other compensation or fee shall be charged or received by any person except such as may be authorized by the commissioner in regulations to be promulgated by him. *Id.*

(For the ensuing provision of this section see paragraph 1483aaaaa, post.)

1483yyyy. *Military and naval insurance appropriation, premiums credited to.*—There is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of $23,000,000, to be known as the military and naval insurance appropriation. All premiums that may be collected for the insurance provided by the provisions of Article IV [1] shall be deposited and covered into the Treasury to the credit of this appropriation. *Sec. 2–20, id., 400.*

1483zzzz. *Same—Availability of and payments from.*—Such sum, including all premium payments, is hereby made available for the payment of the liabilities of the United States incurred under contracts of insurance made under the provisions of Article IV.[1] Payments from this appropriation shall be made upon and in accordance with awards by the director. *Id.*

1483aaaaa. *Punishment for violation of provisions of section.*—Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding $500, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court. *Sec. 2–405, id., 410.*

(For the provision of this section immediately preceding this paragraph see paragraph 1483xxxx, ante, and for section 3 of this act see paragraph 350d, 350e, 352a, 373a, ante.)

WIDOWS' PENSIONS.

1498a. *Increase in rate of.*—From and after the passage of the Act the rate of pension for a widow, now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than hereinafter provided, who was the lawful wife of any officer or enlisted man in the Army, Navy, or Marine Corps of the United States, during the period of his services in the Civil War, shall be $20 per month, and the rate of pension for a widow of an officer or enlisted man of the Army, Navy, or Marine Corps of the United States who served in the Civil War, the War with Mexico, or the War of Eighteen hundred and twelve, now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than hereafter provided, who has reached or shall hereafter reach the age of seventy years shall be $20 per month; and nothing herein shall be construed to affect the existing allowance of $2 per month for each child under the age of sixteen years and for each helpless child; and

[1] See paragraphs 1483cccc–1483xxxx, ante.

1531c. ***Falsely making, forging, etc., naval, military, or official passes, etc., punishment.***—Whoever shall falsely make, forge, counterfeit, alter, or tamper with any naval, military, or official pass or permit, issued by or under the authority of the United States, or with wrongful or fraudulent intent shall use or have in his possession any such pass or permit, or shall personate or falsely represent himself to be or not to be a person to whom such pass or permit has been duly issued, or shall willfully allow any other person to have or use any such pass or permit, issued for his use alone, shall be fined not more than $2,000 or imprisoned not more than five years, or both. *Sec. 3, id.*

(For general provisions of this act applicable to this title, see paragraphs 1475q–1475t.)

CHAPTER XL.

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CHAPTER XXXVII.

CARE OF THE INSANE.

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1524a. *Revocable permit to Saint Elizabeths Hospital to use certain lands.*—The Secretary of War is authorized to grant a revocable permit to the Saint Elizabeths Hospital for the use of such portions of land as are at present not under lease and such other portions thereof as leases thereof expire, of that portion of land lying along Anacostia Flats which has been reclaimed by the War Department and is valuable for farming purposes. *Act of Oct. 6, 1917 (40 Stat., 373).*

1525a. *Admission of insane prisoners of war and interned persons.*—Interned persons and prisoners of war, under the jurisdiction of the War Department, who are or may become insane hereafter shall be entitled to admission for treatment to Saint Elizabeths Hospital. *Id.*

1526a. *Transfer to public hospitals of patients entitled to treatment in Saint Elizabeths Hospital.*—The Secretary of War is authorized, during the existing emergency, to transfer to the various public hospitals for the care of the insane, patients of every class entitled to treatment in Saint Elizabeths Hospital and that are admitted on order of the Secretary of War. *Id.*

1526b. *Transfer of insane from military hospitals to nearest public hospitals.*—The Secretary of War is authorized to transfer from any military hospital to the nearest available public hospital for the care of the insane any insane patient who is in need of treatment, prefer-

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OFFICERS' RESERVE CORPS.

1532. *Composition and object of.*—For the purpose of securing a reserve of officers available for service as temporary officers in the Regular Army, as provided for in this Act and in section eight of the Act approved April twenty-fifth, nineteen hundred and fourteen,[1] as officers of the Quartermaster Corps and other staff corps and departments, as officers for recruit rendezvous and depots, and as officers of volunteers, there shall be organized, under such rules and regulations as the President may prescribe not inconsistent with the provisions of this Act, an Officers' Reserve Corps of the Regular Army. Said corps shall consist of sections corresponding to the various arms, staff corps, and departments of the Regular Army.[2]

[1] See par. 1389, ante, or 38 Stat. 340.

[2] *Held*, that there are no organizational grades in the Veterinary Corps nor in the Dental Corps and that, therefore, veterinarians can be appointed in the Officers' Reserve Corps only as assistant veterinarians with the rank of second lieutenant, and dental surgeons may be appointed therein only as first lieutenant, and that in neither case can the officer attain a higher rank except through active service for the time prescribed for the attainment of higher rank.

Held further, that as to the Medical Department, the three corps, Medical, Dental, and Veterinary, are to be regarded as separate and distinct corps, for the purpose of determining the proportionate number of officers to be commissioned in the Officers' Reserve Corps; and that the proportion of the grades in the Medical Section proper of the Officers' Reserve Corps should be determined by the proportion which the number in the corresponding grades in the Medical Corps of the Regular Army bear to the total number of officers in the Medical Corps of the Regular Army, the grades of captain and first lieutenant in the Medical Corps of the Regular Army being considered one grade, that of first lieutenant, in making the computation; and that the appointments to the dental and veterinary sections of the Officers' Reserve Corps, being only to the lowest in each, will be unlimited in that grade.

Held further, that for purposes of appointment in the Officers' Reserve Corps the lowest authorized grade in the Quartermaster Corps is that of captain, to which grade in the Officers' Reserve Corps appointments may be unlimited.

Held further, that the Signal Corps proper and the Aviation Section each constitutes a corps which should form the basis of an organization in the Offi-

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Fradulently or wrongfully affixing, etc., seal of executive departments, etc., to certificate, instrument, etc., or wrongfully etc., using such certificate, instrument, etc., punishment	1531a
Same—Falsely making, forging, etc., seal of executive departments, etc., punishment	1531b
Falsely making, forging, etc., naval, military, or official passes, etc., punishment	1531c

1529a. *The flag in the District of Columbia, desecration, mutilation, or improper use of.*—Hereafter any person who, within the District of Columbia, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing or any advertisement of any nature upon any flag, standard, colors or ensign of the United States of America; or shall expose or cause to be exposed to public view any such flag, standard, colors or ensign upon which shall have been printed, painted or otherwise placed, or to which shall be attached, appended, affixed or annexed any word, figure, mark, picture, design or drawing, or any advertisement of any nature; or who, within the District of Columbia, shall manufacture, sell, expose for sale or to public view or give away or have in possession for sale or to be given away or for use for any purpose, any article or substance being an article of merchandise, or a receptacle for merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached or otherwise placed a representation of any such flag, standard, colors or ensign, to advertise, call attention to, decorate, mark or distinguish the article or substance on which so placed; or who, within the District of Columbia, shall publicly mutilate, deface, defile or defy, trample upon or cast contempt, either by word or act, upon any such flag, standard, colors or ensign, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding $100

or by imprisonment for not more than thirty days, or both, in the discretion of the court. *Act of Feb. 8, 1917 (39 Stat. 900).*

1529b. *Same—Flag, standard, colors, etc., defined.*—The words "flag, standard, colors, or ensign," as used herein, shall include any flag, standard, colors, ensign or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors, or ensign of the United States of America or a picture or a representation of either, upon which shall be shown the colors, the Stars and Stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, colors, standard or ensign of the United States of America. *Id.*

COUNTERFEITING GOVERNMENT SEAL.

1531a. *Fraudulently or wrongfully affixing, etc., seal of executive departments, etc., to certificate, instrument, etc., or wrongfully, etc., using such certificate, instrument, etc., punishment.*—Whoever shall fraudulently or wrongfully affix or impress the seal of any executive department, or of any bureau, commission, or office of the United States, to or upon any certificate, instrument, commission, document, or paper of any description; or whoever, with knowledge of its fraudulent character, shall with wrongful or fraudulent intent use, buy, procure, sell, or transfer to another any such certificate, instrument, commission, document, or paper, to which or upon which said seal has been so fraudulently affixed or impressed, shall be fined not more than $5,000 or imprisoned not more than five years, or both. *Title X, Sec. 1, Act of June 15, 1917 (40 Stat. 227).*

1531b. *Same—Falsely making, forging, etc., seal of executive departments, etc., punishment.*—Whoever shall falsely make, forge, counterfeit, mutilate, or alter, or cause or procure to be made, forged, counterfeited, mutilated, or altered, or shall willingly assist in falsely making, forging, counterfeiting, mutilating, or altering, the seal of any executive department, or any bureau, commission, or office of the United States, or whoever shall knowingly use, affix, or impress any such fraudulently made, forged, counterfeited, mutilated, or altered seal to or upon any certificate, instrument, commission, document, or paper, of any description, or whoever with wrongful or fraudulent intent shall have possession of any such falsely made, forged, counterfeited, mutilated, or altered seal, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered, shall be fined not more than $5,000 or imprisoned not more than ten years, or both. *Sec. 2, id., 228.*

1531c. *Falsely making, forging, etc., naval, military, or official passes, etc., punishment.*—Whoever shall falsely make, forge, counterfeit, alter, or tamper with any naval, military, or official pass or permit, issued by or under the authority of the United States, or with wrongful or fraudulent intent shall use or have in his possession any such pass or permit, or shall personate or falsely represent himself to be or not to be a person to whom such pass or permit has been duly issued, or shall willfully allow any other person to have or use any such pass or permit, issued for his use alone, shall be fined not more than $2,000 or imprisoned not more than five years, or both. *Sec. 3, id.*

(For general provisions of this act applicable to this title, see paragraphs 1475q–1475t.)

CHAPTER XL.

RESERVE CORPS.

	Par.
Officers' Reserve Corps	1532–1552
Composition and object of	1532
Appointments in Officers' Reserve Corps and National Army to certain grades in designated staff corps	1532a
President alone authorized to appoint and commission officers in, to all grades up to and including major	1533
Appointment of former officers of Regular Army, Volunteer Army, Organized Militia, or National Guard to	1533a
Same—Proportion of officers in any section not to exceed proportion of same grade in Regular Army	1534
Persons registered as qualified under act of January 21, 1903, to be eligible for appointment in for three years	1535
Same—Persons qualified for grade of lieutenant colonel or colonel to be appointed as such, but when they become separated from the corps the grades to cease and determine	1536
Commissions and rank of officers who were qualified at date of act who had Federal service with National Guard or Organized Militia	1536a
Recommission of officer called for service in lower grade	1536b
Age limit for appointment in and discharge of officers after having passed such limit	1537
No discharge of officers on reaching age limit during existing emergency	1537a
Same—Not to apply to appointment or reappointment of officers in certain staff departments	1538
Medical Reserve Corps to cease to exist one year after passage of act; officers of may be appointed to Officers' Reserve Corps	1539
Certain officers of the medical section, Officers' Reserve Corps, may be assigned to active duty in time of peace; pay of	1540
Commissions to be in force for a period of five years	1541
Same—May be recommissioned for successive periods in same or higher grades	1542
Rank of officers in various sections to be according to grades and length of service therein	1543
Assignment to duty in time of war, rank, pay, etc	1544
Restoration to positions of Federal or District of Columbia employees ordered to active duty as members of Officers' Reserve Corps	1544a

appropriate to their grade and rank in the organizations to which they may be assigned, and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of active service, as allowed by law for officers of the Regular Army, from the date upon which they shall be required by the terms of their orders to obey the same.[1] *Sec. 38, id.*

1544a. *Restoration to positions of Federal or District of Columbia employees ordered to active duty as members of Officers' Reserve*

[1] *Held*, that sections 37 and 38 of the national-defense act prescribing the duties of members of the Officers' Reserve Corps operate to limit the duties upon which such officers may be employed to activity in connection with military forces actually in the service of the United States, and that such officers are not eligible for detail, as officers of the Army, for duty at educational institution. (War Dept. Bull., No. 39, Oct. 6, 1916.)

Upon the question whether a reserve officer of the grade of major could be assigned to active service as an assistant to an officer of the Regular Army of the grade of captain,

Held, that since it is provided in section 38 of the national-defense act that while reserve officers are on active service they shall, "by virtue of their commissions as reserve officers, exercise command appropriate to their grade and rank in the organizations to which they may be assigned, * * *: *Provided*, That officers so ordered to active service shall take temporary rank among themselves, and in their grades in the organizations to which assigned, according to the dates of orders placing them on active service; * * *" the question must be answered in the negative. (War Dept. Bull. 34, June 8, 1917.)

Upon the question whether officers of the Officers' Reserve Corps of the Army are entitled to mileage for travel in joining their first duty station under War Department orders,

Held, that the provision in section 38, national-defense act of June 3, 1916, that members of the Officers' Reserve Corps "shall be entitled to the pay and allowances of the corresponding grades in the Regular Army * * * from the date upon which they shall be required by the terms of their orders to obey the same," clearly entitles such officers to mileage for the travel performed, mileage being an allowance. (Comp. Treas., June 6, 1917; War Dept. Bull. 49, Aug. 22, 1917.)

In the case of certain members of the Officers' Reserve Corps and officers of the National Guard on duty at a military post, the question was raised as to the legality of their being charged by the Quartermaster Corps for fuel and light consumed by them in public quarters.

Held, that Congress has very clearly manifested its intention in legislation that National Guard troops and members of the Officers' Reserve Corps in the active service of the United States shall receive the same pay and *allowances* as is provided by law for officers and enlisted men of the Regular Army of like grades, and that under the act of March 2, 1907 (34 Stat. 1167), all officers are entitled to heat and light actually necessary for the allowance of quarters to which they are entitled and have been assigned, and in case National Guard officers and members of the Officers' Reserve Corps on duty at any military post are duly occupying their authorized allowance of public quarters at such post, they should not be charged for heat and light actually necessary for such quarters. (War Dept. Bull. 54, Sept. 26, 1917.)

Under the thirty-eighth section of the national-defense act of June 3, 1916, and the one hundred and nineteenth article of war captains in the Regular Army assigned to active duty as junior military aviators and automatically thereby obtaining the rank of major outrank and have precedence over officers of the same grade in any forces drafted or called into the service of the United States, such as the Officers' Reserve Corps. (War Dept. Bull. 67, Nov. 30, 1917.)

In time of actual or threatened hostilities the President may order officers of the Officers' Reserve Corps to temporary duty with the Regular Army in grades that can not be filled by promotion, or to duty, permanent or temporary, in authorized positions in volunteer or other organizations, which include the National Guard drafted into the Federal service or the National Army. (War Dept. Bull. 75, Dec. 31, 1917.)

	Par.
Same—Qualified graduates not eligible for appointment while undergoing postgraduate course	1566
Members who have completed two years of training may be furnished with commutation of subsistence for remainder of course of training	1567
Same—Credit to be given for military training	1568
Appointment of prior graduates of institutions giving military training to Officers' Reserve Corps and as temporary additional second lieutenants; age limit, citizenship, etc	1569
Appointment by President alone of reserve officers as temporary second lieutenants of Regular Army in time of peace for instruction	1570
Reserve officers and temporary second lieutenants not entitled to retirement or retired pay; pensionable status	1571
In time of war reserve officers may be assigned to active duty in any grades, not below second lieutenant, and are subject to rules and articles of war	1572
Adjutant General to keep revised list of civilians who have had military training qualifying them for appointment as commissioned officers	1573
Camps of instruction for training civilians, equipment, etc., of	1574
Same—Rate of mileage for civilians attending, time of payment	1574a
Pay of civilians designated for training as officers during period of training	1574b
Same—Secretary of War to prescribe course of instructions at, and detail Regular officers and enlisted men for duty in connection with	1575
Appropriation for maintenance of camps on military reservations, etc., for training civilians	1576
Training camps for civilians	1576a
Same—Available for transportation and subsistence of citizens between certain ages who have attended camps during 1916	1577
Training camp for civilians on military reservation at Fort Douglas, Utah, maintenance of	1578
Establishment and equipment of indoor and outdoor rifle ranges for training civilians	1579
Same	1579a
Same—Officer of Army or Marine Corps may be appointed director of civilian marksmanship	1580
Enlisted Reserve Corps	1581–1599
Enlisted reserve for staff departments	1581
Regulations relating to enlistment of dental students in Enlisted Reserve Corps	1581a
Issuance of certificate of enlistment to persons found qualified, rights conferred by	1582
Rosettes or knots to be issued to members attending at least one encampment for military instruction of citizens	1583
Same—Penalty for unauthorized wearing of	1584
Assignment of members to organizations of Regular Army or organization of, into units or detachments of any arm, etc	1585
May be ordered to active service annually for purpose of instruction or training	1586
Same—Periods of active service may be extended with consent of enlisted men	1587
Same—Pay and allowances while in active service	1588

reserve officers to duty with troops or at field exercises, or for instruction, for periods not to exceed fifteen days in any one calendar year, and while so serving such officers shall receive the pay and allowances of their respective grades in the Regular Army.[1] *Sec. 39, id.*

1549. *Same—Period of instruction may be extended with consent of reserve officers.*—With the consent of the reserve officers concerned, and within the limit of funds available for the purpose, such periods of duty may be extended for reserve officers as the Secretary of War may direct. *Id.*

1549a. *Leaves of absence to Federal or District of Columbia employees who are members of Officers' Reserve Corps.*—All officers and employees of the United States or of the District of Columbia who shall be members of the Officers' Reserve Corps shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be ordered to duty with troops or at field exercises, or for instruction, for periods not to exceed fifteen days in any one calendar year.[2] *Act of May 12, 1917 (40 Stat. 72).*

1550. *In time of war all officers of to be ordered into active service before appointment of volunteer officers.*—In time of actual or threatened hostilities, after all available officers of any section of the Officers' Reserve Corps corresponding to any arm, corps, or department of the Regular Army shall have been ordered into active service, officers of Volunteers may be appointed in such arm, corps, or department as may be authorized by law. *Id.*

1551. *Same—Does not prevent appointment of officers of Regular Army as officers of Volunteers before all officers of are ordered to active service.*—Nothing herein shall operate to prevent the appointment of any officer of the Regular Army as an officer of Volunteers before all the officers of the Officers' Reserve Corps or any section thereof shall have been ordered into active service. *Id.*

(See paragraph 1388, ante.)

1552. *Relative rank and right to retirement of officers of Regular Army not affected by active service in.*—In determining the relative

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[1] *Held*, that reserve officers, when ordered to active duty in accordance with sections 37 and 39 of the national-defense act "for duty with troops," may, while in active service for such duty, be assigned to any duty in connection with such troops to which Regular Army officers serving therewith may be assigned, including duty as disbursing officers. (War Dept. Bull No. 3, Jan. 19, 1917.)

[2] *Held*, that an employee of the United States on leave of absence and attending an officers' training camp as a candidate for a commission in the Officers' Reserve Corps of the Army may not lawfully receive his regular compensation as a civilian employee for such period in addition to pay as such candidate when the annual rate of the combined compensation so received exceeds $2,000, in view of the act of August 29, 1916 (39 Stat., 582), amending section 6, act of May 10, 1916; *and further*, that he can not elect to refuse his military pay in order to accept the pay of his civil position. (Comp. Treas., June 25, 1917; War Dept. Bull. 49, Aug. 22, 1917.)

rank and the right to retirement of an officer of the Regular Army, active duty performed by him while serving in the Officers' Reserve Corps shall not be reckoned. *Id.*

(See paragraphs 353 and 902-904, ante.)

RESERVE OFFICERS' TRAINING CORPS.

1553. *Senior and junior divisions of, to be organized at certain universities and colleges.*—The President is hereby authorized to establish and maintain in civil educational institutions a Reserve Officers' Training Corps, which shall consist of a senior division organized at universities and colleges requiring four years of collegiate study for a degree, including State universities and those State institutions that are required to provide instruction in military tactics under the provisions of the Act of Congress of July second, eighteen hundred and sixty-two, donating lands for the establishment of colleges where the leading object shall be practical instruction in agriculture and the mechanic arts, including military tactics, and a junior division organized at all other public or private educational institutions, except that units of the senior division may be organized at those essentially military schools which do not confer an academic degree but which, as a result of the annual inspection of such institutions by the War Department, are specially designated by the Secretary of War as qualified for units of the senior division, and each division shall consist of units of the several arms or corps in such number and of strength as the President may prescribe. *See 40, id.*

1553a. *First Corps Cadets, National Guard of Massachusetts, designated as unit of Senior Division.*—The Secretary of War, in his discretion, is authorized to designate the First Corps Cadets of the National Guard of Massachusetts as a unit of the Senior Division of the Reserve Officers' Training Corps. *Act of May 12, 1917 (40 Stat. 71).*

1553b. *Same—Subject to rules and regulations prescribed for Reserve Officers' Training Corps.*—The First Corps Cadets shall be subject to such rules and regulations as may be prescribed under the provisions of the National Defense Act of June third, nineteen hundred and sixteen, or amendments thereto, relating to the Reserve Officers' Training Corps. *Id.*

1553c. *Same—Waiving of drill and instructions required from as a National Guard organization.*—The drill and instruction, including indoor target practice, required of the First Corps Cadets as a National Guard organization is hereby waived. *Id.*

1553d. *Same—Ancient privileges recognized by National-Defense Act to remain in full force and effect.*—The privileges and benefits extended by existing law to National Guard organizations, including those organizations provided for in section sixty-three of the Na-

in no case above that of lieutenant colonel. *Act of May 12, 1917 (40 Stat. 73).*

1534. *Same—Proportion of officers in any section not to exceed proportion of same grade in Regular Army.*—The proportion of officers in any section of the Officers' Reserve Corps shall not exceed the proportion for the same grade in the corresponding arm, corps, or department of the Regular Army, except that the number commissioned in the lowest authorized grade in any section of the Officers' Reserve Corps shall not be limited.[1] *Sec. 37, Act of June 3, 1916 (39 Stat. 189).*

1535. *Persons registered as qualified under Act of January 21, 1903, to be eligible for appointment in for three years.*—All persons now carried as duly qualified and registered pursuant to section twenty-three of the Act of Congress approved January twenty-first, nineteen hundred and three,[2] shall, for a period of three years after the passage of this Act, be eligible for appointment in the Officers' Reserve Corps in the section corresponding to the arm, corps, or department for which they have been found qualified, without further examination, except a physical examination, and subject to the limitations as to age and rank herein prescribed.[3] *Id.*

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[1] *Held*, that this provision does not limit the number who may be commissioned in any grade above the lowest, except by the proportion which the number in that grade in the corresponding arm, corps, or department of the Regular Army bears to the number in other grades in that arm, corps, or department, and that the number that may be commissioned is unlimited so long as the proportion between grades, except as to any maximum number for the lowest, is maintained in the same manner as established for the grades of the corresponding arm, corps, or department of the Regular Army. (War Dept. Bull. No. 28, Aug. 18, 1916.)

Held, with respect to the construction of section 37 of the national defense act of June 3, 1916, as applied to the Signal Corps, that the Signal Corps Section of the Officers' Reserve Corps, like the Regular Army, should comprise two divisions, i. e., the Signal Corps proper and the Aviation Section thereof; that the proportion of officers of the several grades in each division should conform to the proportion of the respective divisions of the Signal Corps of the Regular Army, except in the lowest grade; and that such proportion will practically correspond to the organization now prescribed for the units of the respective divisions of the Regular Army.

Held further, that the organization of the units of the respective sections may be proceeded with in the usual manner, provided the units, when complete, will not give a proportion of officers in any grade of the particular section of the Signal Corps in excess of the proportion prescribed in the statute; that the proportion indicated by the statute must be maintained in the particular section of the Signal Corps as a whole, but need not be maintained in a particular unit of that section unless the departure from the proportion in that unit would render the composition of the whole section such as to violate the rule. (War Dept. Bull. 34, June 8, 1917.)

[2] See footnote to par. 1388, ante, or 32 Stat. 779.

[3] *Held*, that while this provision of the statute declares the persons therein described to be eligible for appointment in the Officers' Reserve Corps, it is not a mandate for their appointment; and, if for reasons of national policy the President may decide, as it is apparent he has decided, that persons holding commissions in available military forces of the United States shall not also be commissioned in the Officers' Reserve Corps, the provision of section 37 of the national-defense act just quoted is not violated. The eligibility of such officers is not interfered with, though, for the reason that they already bear a relation

1536. *Same—Persons qualified for grade of lieutenant colonel or colonel to be appointed as such, but when they become separated from the corps the grades to cease and determine.*—Any person carried as qualified and registered in the grade of colonel or lieutenant colonel pursuant to the provisions of said Act on the date when this Act becomes effective may be commissioned and recommissioned in the Officers' Reserve Corps with the rank for which he has been found qualified and registered, but when such person thereafter shall become separated from the Officers' Reserve Corps for any reason the vacancy so caused shall not be filled, and such office shall cease and determine. *Id.*

1536a. *Commissions and rank of officers who were qualified at date of act, or who had Federal service with National Guard or Organized Militia.*—The second proviso of section thirty-seven of the Act of June third, nineteen hundred and sixteen, entitled "An Act for making further and more effectual provision for the national defense, and for other purposes," be amended as follows: *Provided*, That any person who on June third, nineteen hundred and sixteen, was carried as qualified and registered in the grade of colonel or lieutenant colonel pursuant to the provisions of the Act of January twenty-first, nineteen hundred and three, or any person holding a commission as colonel or lieutenant colonel in the National Guard of any State, Territory, or the District of Columbia on June third, nineteen hundred and sixteen, who has served satisfactorily as such in the service of the United States under the call of May ninth, nineteen hundred and sixteen, or that of June eighteenth, nineteen hundred and sixteen, may be commissioned or recommissioned in the Officers' Reserve Corps with rank for which he had been found qualified and registered, or which he held in the National Guard on June third, nineteen hundred and sixteen, or while in the service of the United States; but when such person shall become thereafter separated from the Officers' Reserve Corps for any reason, the vacancy so caused shall not be filled and such office shall cease and determine. *Act of May 12, 1917 (40 Stat. 73), amending Sec. 37, Act of June 3, 1916 (39 Stat. 189).*

1536b. *Recommission of officer called for service in lower grade.*—Any officer of the Officers' Reserve Corps called for service with his

to the Government which is equivalent to that which would be established by their appointment in the Officers' Reserve Corps, and which renders their appointment unnecessary for the attainment of the purpose of the law creating the Officers' Reserve Corps, the President has, in his discretion, determined and ordered that they shall not be appointed.

Held further, that enlisted men of the Regular Army or National Guard who are found qualified upon examination may be commissioned in the Officers' Reserve Corps without impairment of their enlisted status, and that officers of the Officers' Reserve Corps may, if otherwise eligible, enlist in the Regular Army or National Guard. (War Dept. Bull. No. 9, Feb. 2, 1917.)

1562. *Issue of public animals, arms, uniforms, equipment, etc., to institutions with established units.*—The Secretary of War, under such regulations as he may prescribe, is hereby authorized to issue to institutions at which one or more units of the Reserve Officers' Training Corps are maintained such public animals, arms, uniforms, equipment, and means of transportation as he may deem necessary, and to forage at the expense of the United States public animals so issued. He shall require from each institution to which property of the United States is issued a bond in the value of the property issued for the care and safe-keeping thereof, and for its return when required. *Sec. 47, id.*

(See paragraphs 951–955 and 954a–954b, ante.)

1562a. *Commutation for uniforms supplied by educational institutions.*—The Secretary of War may, in his discretion and under such regulations as he may prescribe, permit such institutions to furnish their own uniforms and receive as commutation therefor the sum allotted by the Secretary of War to such institutions for uniforms.[1] *Act of May 12, 1917 (40 Stat. 71).*

1563. *Issue of military equipment and detail of instructors at other schools and colleges.*—Such arms, tentage, and equipment as the Secretary of War shall deem necessary for proper military training shall be supplied by the Government to schools and colleges, other than those provided for in section forty-seven of this Act, having a course of military training prescribed by the Secretary of War and having not less than one hundred physically fit male students above the age of fourteen years, under such rules and regulations as he may prescribe; and the Secretary of War is hereby authorized to detail such commissioned and noncommissioned officers of the Army to said schools and colleges, other than those provided for in section forty-five and forty-six of this Act, detailing not less than one such officer or noncommissioned officer to each five hundred students under military instruction. *Sec. 56, Act of June 3, 1916 (39 Stat. 197).*

1564. *Camps for additional training of members of; period of encampment, equipment, etc.*—The Secretary of War is hereby authorized to maintain camps for the further practical instruction of the members of the Reserve Officers' Training Corps, no such camps to be maintained for a period longer than six weeks in any one year, except in time of actual or threatened hostilities; to transport mem-

[1] Where institutions, at which one or more units of the Reserve Officers' Training Corps are maintained, furnish uniforms for their students and receive commutation therefor under the act of May 12, 1917 (40 Stat. 40), such uniforms remain the property of the institutions in question, or of the students themselves. Since such uniforms are not the property of the United States within the provisions of section 47 of the national defense act (39 Stat. 192) neither a bond nor an insurance policy should be exacted in such cases. (Dig. Opin. J. A. G., February, 1918.)

1540. *Certain officers of the medical section, Officers' Reserve Corps, may be assigned to active duty in time of peace; pay of.*—The Secretary of War may, in time of peace, order first lieutenants of the medical section of the Officers' Reserve Corps, with their consent, to active duty in the service of the United States in such numbers as the public interests may require and the funds appropriated may permit, and may relieve them from such duty when their services are no longer necessary. While on such duty they shall receive the pay and allowances, including pay for periods of sickness and leaves of absence, of officers of corresponding rank and length of active service in the Regular Army. *Id.*

1541. *Commissions to be in force for a period of five years.*—The commissions of all officers of the Officers' Reserve Corps shall be in force for a period of five years unless sooner terminated in the discretion of the President.[1] *Id.*

1542. *Same—May be recommissioned for successive periods in same or higher grades.*—Such officers may be recommissioned, either in the same or higher grades, for successive periods of five years, subject to such examinations and qualifications as the President may prescribe and to the age limits prescribed herein. *Id.*

1543. *Rank of officers in various sections to be according to grades and length of service therein.*—Officers of the Officers' Reserve Corps shall have rank therein in the various sections of said Reserve Corps according to grades and to length of service in their grades. *Id.*

1544. *Assignment to duty in time of war, rank, pay, etc.*—In time of actual or threatened hostilities the President may order officers of the Officers' Reserve Corps, subject to such subsequent physical examinations as he may prescribe, to temporary duty with the Regular Army in grades thereof which can not, for the time being, be filled by promotion, or as officers in volunteer or other organizations that may be authorized by law, or as officers at recruit rendezvous and depots, or on such other duty as the President may prescribe. While such reserve officers are on such service they shall, by virtue of their commissions as reserve officers, exercise command

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constituted by law" shall "cease to exist one year after the passage" of the national defense act, the sale of ordnance or ordnance property to officers as members of the Medical Reserve Corps, such officers not being in active service, would be of doubtful legality, and recommended that such sale be not made when the officer will not be appointed to the Officers' Reserve Corps.

Held further, that paragraph 1520, Army Regulations, as to sales of ordnance, etc., to officers, etc., is sufficiently broad to include members of the Officers' Reserve Corps. This accords, in principle, with the opinion of the Judge Advocate General of November 9, 1916, to the effect that as the Officers' Reserve Corps is an integral part of the Army of the United States as established by section 1 of the national-defense act, its members are entitled to purchase uniforms, clothing, and equipage under paragraph 1174, Army Regulations. (War Dept. Bull. No. 3, Jan. 19, 1917.)

[1] See note to paragraph 329a as to distinction between commission in the Officers' Reserve Corps and the Regular Army, etc.

Officers' Training Corps for the remainder of his course in the institution, devoting five hours per week to the military training prescribed by the Secretary of War, and has agreed in writing to pursue the courses in camp training prescribed by the Secretary of War, he may be furnished, at the expense of the United States, with commutation of subsistence at such rate, not exceeding the cost of the garrison ration prescribed for the Army, as may be fixed by the Secretary of War, during the remainder of his service in the Reserve Officers' Training Corps.[1] *Sec. 50, id.*

1568. *Same—Credit to be given for military training.*—In the interpretation and execution of section fifty of the Act of Congress approved June third, nineteen hundred and sixteen, credit shall be given as for service in the senior division of the Reserve Officers' Training Corps to any member of that division for any period or periods of time during which such member has received or shall have received at any educational institution under the direction of an officer of the Army, detailed as professor of military science and tactics, a course of military training substantially equivalent to that prescribed by regulations under this section for the corresponding period or periods of training of the senior division, Reserve Officers' Training Corps. *Joint Resolution of Sept. 8, 1916 (39 Stat. 853).*

1569. *Appointment of prior graduates of institutions giving military training to Officers' Reserve Corps and as temporary additional second lieutenants; age limit, citizenship, etc.*—Any physically fit male citizen of the United States, between the ages of twenty-one and twenty-seven years, who shall have graduated prior to the date of this Act from any educational institution at which an officer of the Army was detailed as professor of military science and tactics, and who, while a student at such institution, completed courses of military training under the direction of such professor of military science and tactics substantially equivalent to those prescribed pur-

[1] Upon the question as to whether in case the exigencies of the service require the relief of the professor of military science and tactics at an institution at which one or more units of the senior division of the Reserve Officers' Training Corps have been established, leaving on duty only enlisted men detailed under section 46 of the national-defense act, in the absence of a commissioned officer can the "military training prescribed by the Secretary of War" under section 50 of the national-defense act of June 3, 1916, be so carried on as to entitle the members of the senior division at the institution, who have complied with all requirements so far as they are concerned to be paid the commutation of subsistence provided by said section 50.

Held, that the presence of an officer of the Army, active or retired, as professor of military science and tactics is a condition for the maintenance of a unit of the training corps under instruction at the particular institution; and that, in the absence of such instruction, the "military training prescribed by the Secretary of War" as contemplated by the national-defense act, can not be carried on so as to entitle the members of the senior division of such training corps to be paid the commutation of subsistence provided by section 50 of said act. (War Dept. Bul. 49, Aug. 22, 1917.)

Corps.—Members of the Officers' Reserve Corps who are in the employ of the United States Government or of the District of Columbia and who are ordered to duty by proper authority shall, when relieved from duty, be restored to the positions held by them when ordered to duty. *Act of May 12, 1917 (40 Stat. 78).*

1544b. *Prohibition against acceptance of voluntary service not applicable to.*—Section three[1] of the Act approved February twenty-seventh, nineteen hundred and six, entitled, "An Act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and six, and for prior years and for other purposes," shall not be construed to prohibit the Secretary of War from accepting the gratuitous services of members of the Officers' Reserve Corps of the Army in the furtherance of the enrollment, organization, and training of the Officers' Reserve Corps, the Reserve Officers' Training Corps, or the Enlisted Reserve Corps of the Army or in consultation upon matters relating to the military service. *Id.*

1545. *Same—Take temporary rank among themselves according to date of assignment to active duty; promotion to vacancies in volunteers and to temporary vacancies in Regular Army.*—Officers so ordered to active service shall take temporary rank among themselves, and in their grades in the organizations to which assigned, according to the dates of orders placing them on active service; and they may be promoted, in accordance with such rank, to vacancies in volunteer organizations or to temporary vacancies in the Regular Army thereafter occuring in the organizations in which they shall be serving. *Sec. 38, Act of June 3, 1916 (39 Stat. 190).*

1546. *Officers of not entitled to retirement or retired pay; pensionable status.*—Officers of the Officers' Reserve Corps shall not be entitled to retirement or retired pay, and shall be entitled to pension only for disability incurred in the line of duty and while in active service. *Id.*

1547. *Subject to rules and articles of war when ordered to active service.*—Any officer who, while holding a commission in the Officers' Reserve Corps, shall be ordered to active service by the Secretary of War shall, from the time he shall be required by the terms of his order to obey the same, be subject to the laws and regulations for the government of the Army of the United States, in so far as they are applicable to officers whose permanent retention in the military service is not contemplated. *Id. 191.*

1548. *May be ordered to duty with troops, etc., for instruction.*—To the extent provided for from time to time by appropriations for this specific purpose, the Secretary of War is authorized to order

[1] See paragraph 188, ante, or 34 Stat. 48.

may be regarded as qualified and available for appointment as such commissioned officers. *Id.*

1574. *Camps of instruction for training civilians, equipment, etc., of.*—The Secreary of War is hereby authorized to maintain, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, upon their application and under such terms of enlistment and regulations as may be prescribed by the Secretary of War; to use, for the purpose of maintaining said camps and imparting military instruction and training thereat, such arms, ammunition, accouterments, equipments, tentage, field equipage, and transportation belonging to the United States as he may deem necessary; to furnish, at the expense of the United States, uniforms, subsistence, transportation by the most usual and direct route within such limits as to territory as the Secreary of War may prescribe, and medical supplies to persons receiving instruction at said camps during the period of their attendance thereat, to authorize such expenditures, from proper Army appropriations, as he may deem necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to the maintenance of said camps, and the theoretical winter instruction in connection therewith; and to sell to persons receiving instruction at said camps, for cash and at cost price plus ten per centum, quartermaster and ordnance property, the amount of such property sold to any one person to be limited to that which is required for his proper equipment. All moneys arising from such sales shall remain available throughout the fiscal year following that in which the sales are made, for the purpose of that appropriation from which the property sold was authorized to be supplied at the time of the sale.[1] *Sec. 54, id.*

(The act of May 12, 1917 (40 Stat. 69), contains an appropriation for items of expenditure covered by above paragraph.)

[1] *Held*, that in view of the broad powers of discretion conferred upon the Secretary of War by section 54, national defense act, in the matter of providing for military camps of instruction and training for civilians, including authority "to furnish at the expense of the United States uniforms, subsistence, transportation, *and medical supplies* to persons receiving instruction at such camps," the first-aid packets requested could properly be furnished if regarded by the Surgeon General as reasonably necessary for the civilians in training at the camp. (War Dept. Bull. 18, July 8, 1916.)

Held, that such sales are authorized only to persons while they are in actual attendance at the camps "receiving instruction" thereat, and that there is no authority to fill orders for such property received from former attendants. (War Dept. Bull. 47, Nov. 16, 1916.)

On the question whether claims for damages to private property due to training-camp work are payable from training-camp funds when duly found by the proceedings of a board of officers, approved by the commanding officer.

Held, that the appropriation for civilian training camps (act of May 12, 1917) expressly includes "damages resulting from field exercises and other expenses incident to maintaining said camps," etc.; and that this provision clearly covers damages to private property due to operations incident to training-camp work. (War Dept. Bull. 54, Sept. 26, 1917.)

rank and the right to retirement of an officer of the Regular Army, active duty performed by him while serving in the Officers' Reserve Corps shall not be reckoned. *Id.*

(See paragraphs 353 and 902-904, ante.)

RESERVE OFFICERS' TRAINING CORPS.

1553. *Senior and junior divisions of, to be organized at certain universities and colleges.*—The President is hereby authorized to establish and maintain in civil educational institutions a Reserve Officers' Training Corps, which shall consist of a senior division organized at universities and colleges requiring four years of collegiate study for a degree, including State universities and those State institutions that are required to provide instruction in military tactics under the provisions of the Act of Congress of July second, eighteen hundred and sixty-two, donating lands for the establishment of colleges where the leading object shall be practical instruction in agriculture and the mechanic arts, including military tactics, and a junior division organized at all other public or private educational institutions, except that units of the senior division may be organized at those essentially military schools which do not confer an academic degree but which, as a result of the annual inspection of such institutions by the War Department, are specially designated by the Secretary of War as qualified for units of the senior division, and each division shall consist of units of the several arms or corps in such number and of strength as the President may prescribe. *See 40, id.*

1553a. *First Corps Cadets, National Guard of Massachusetts, designated as unit of Senior Division.*—The Secretary of War, in his discretion, is authorized to designate the First Corps Cadets of the National Guard of Massachusetts as a unit of the Senior Division of the Reserve Officers' Training Corps. *Act of May 12, 1917 (40 Stat. 71).*

1553b. *Same—Subject to rules and regulations prescribed for Reserve Officers' Training Corps.*—The First Corps Cadets shall be subject to such rules and regulations as may be prescribed under the provisions of the National Defense Act of June third, nineteen hundred and sixteen, or amendments thereto, relating to the Reserve Officers' Training Corps. *Id.*

1553c. *Same—Waiving of drill and instructions required from as a National Guard organization.*—The drill and instruction, including indoor target practice, required of the First Corps Cadets as a National Guard organization is hereby waived. *Id.*

1553d. *Same—Ancient privileges recognized by National Defense Act to remain in full force and effect.*—The privileges and benefits extended by existing law to National Guard organizations, including those organizations provided for in section sixty-three of the Na-

bers and upon such duties as he may designate. *Sec. 54, Act of June 3, 1916 (39 Stat. 194).*

1576. *Appropriation for maintenance of camps on military reservations, etc., for training civilians.*—To provide for the expense of maintaining, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, under such regulations as may be prescribed by the Secretary of War, and to furnish to said citizens the subsistence, transportation, and uniforms authorized by the Act of Congress approved June third, nineteen hundred and sixteen, $2,000,000. *Act of Aug. 29, 1916 (39 Stat. 648).*

1576a. *Training camps for civilians.*—For the expense of maintaining, upon military reservations or elsewhere, camps for the military instruction and training of such citizens physically capable of bearing arms as may be selected under such regulations as may be prescribed by the Secretary of War, and for furnishing said citizens, at the expense of the United States, uniforms, subsistence, transportation by the most usual and direct route within said limits as to territory as may be prescribed; for such expenditures as may be deemed necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to maintaining said camps and the theoretical winter instruction in connection therewith, including textbooks and stationery; for furnishing such equipments, tentage, field equipage, and transportation belonging to the United States as may be deemed necessary as authorized by section fifty-four of the Act of Congress approved June third, nineteen hundred and sixteen, $3,281,000. *Act of May 12, 1917 (40 Stat. 69).*

1577. *Same—Available for transportation and subsistence of citizens between certain ages who have attended camps during 1916.*—So much of this appropriation as may be necessary shall be available for the subsistence and transportation of all persons between the ages of eighteen and forty-five years who have attended any camp authorized by the Secretary of War during the calendar year nineteen hundred and sixteen. *Act of Aug. 29, 1916 (39 Stat. 648).*

1578. *Training camp for civilians on military reservation at Fort Douglas, Utah, maintenance of.*—The Secretary of War be, and he is hereby, authorized to maintain upon the military reservation of Fort Douglas, Utah, for such period within the fiscal year ending June thirtieth, nineteen hundred and seventeen, as he may deem advisable, a camp for the military instruction and training of such citizens as may be selected for such instruction and training under such regulations as he may prescribe, and to furnish to said citizens the subsistence, transportation, and uniforms authorized by the Act of Con-

riculum the prescribed courses of military training for the junior division, or to devote at least an average of three hours per week per academic year to such military training. *Sec. 43, id.*

1559. *Eligibility for membership in, as to age, citizenship, etc.*—Eligibility to membership in the Reserve Officers' Training Corps shall be limited to students of institutions in which units of such corps may be established who are citizens of the United States, who are not less than fourteen years of age, and whose bodily condition indicates that they are physically fit to perform military duty, or will be so upon arrival at military age. *Sec. 44, id.*

1560. *Detail of active or retired officers as professors for; rank, pay, term, conditions, etc.*—The President is hereby authorized to detail such numbers of officers of the Army, either active or retired, not above the grade of colonel, as may be necessary, for duty as professors and assistant professors of military science and tactics at institutions where one or more units of the Reserve Officers' Training Corps are maintained; but the total number of active officers so detailed at educational institutions shall not exceed three hundred, and no active officer shall be so detailed who has not had five years' commissioned service in the Army. In time of peace retired officers shall not be detailed under the provisions of this section without their consent. Retired officers below the grade of lieutenant colonel so detailed shall receive the full pay and allowances of their grade, and retired officers above the grade of major so detailed shall receive the same pay and allowances as a retired major would receive under a like detail. No detail of officers on the active list of the Regular Army under the provisions of this section shall extend for more than four years. *Sec. 45, id.*

(See paragraphs 942–950, ante.)

1561. *Same—Detail of enlisted men, active, retired, or Regular Army Reserve, limit as to active who are to be additional, etc.*—The President is hereby authorized to detail for duty at institutions where one or more units of the Reserve Officers' Training Corps are maintained such number of enlisted men, either active or retired or of the Regular Army Reserve, as he may deem necessary, but the number of active noncommissioned officers so detailed shall not exceed five hundred, and all active noncommissioned officers so detailed shall be additional in their respective grades to those otherwise authorized for the Army. Retired enlisted men or members of the Regular Army Reserve shall not be detailed under the provisions of this section without their consent. While so detailed they shall receive active pay and allowances. *Sec. 46, id.*

(See paragraph 946, ante; see also paragraph 1544b, ante, authorizing acceptance of voluntary services of members of Officers' Reserve Corps for training, etc., the Officers' Reserve Corps; the Reserve Officers' Training Corps, or the Enlisted Reserve Corps, etc.)

1562. *Issue of public animals, arms, uniforms, equipment, etc., to institutions with established units.*—The Secretary of War, under such regulations as he may prescribe, is hereby authorized to issue to institutions at which one or more units of the Reserve Officers' Training Corps are maintained such public animals, arms, uniforms, equipment, and means of transportation as he may deem necessary, and to forage at the expense of the United States public animals so issued. He shall require from each institution to which property of the United States is issued a bond in the value of the property issued for the care and safe-keeping thereof, and for its return when required. *Sec. 47, id.*

(See paragraphs 951–955 and 954a–954b, ante.)

1562a. *Commutation for uniforms supplied by educational institutions.*—The Secretary of War may, in his discretion and under such regulations as he may prescribe, permit such institutions to furnish their own uniforms and receive as commutation therefor the sum allotted by the Secretary of War to such institutions for uniforms.[1] *Act of May 12, 1917 (40 Stat. 71).*

1563. *Issue of military equipment and detail of instructors at other schools and colleges.*—Such arms, tentage, and equipment as the Secretary of War shall deem necessary for proper military training shall be supplied by the Government to schools and colleges, other than those provided for in section forty-seven of this Act, having a course of military training prescribed by the Secretary of War and having not less than one hundred physically fit male students above the age of fourteen years, under such rules and regulations as he may prescribe; and the Secretary of War is hereby authorized to detail such commissioned and noncommissioned officers of the Army to said schools and colleges, other than those provided for in section forty-five and forty-six of this Act, detailing not less than one such officer or noncommissioned officer to each five hundred students under military instruction. *Sec. 56, Act of June 3, 1916 (39 Stat. 197).*

1564. *Camps for additional training of members of; period of encampment, equipment, etc.*—The Secretary of War is hereby authorized to maintain camps for the further practical instruction of the members of the Reserve Officers' Training Corps, no such camps to be maintained for a period longer than six weeks in any one year, except in time of actual or threatened hostilities; to transport mem-

[1] Where institutions, at which one or more units of the Reserve Officers' Training Corps are maintained, furnish uniforms for their students and receive commutation therefor under the act of May 12, 1917 (40 Stat. 40), such uniforms remain the property of the institutions in question, or of the students themselves. Since such uniforms are not the property of the United States within the provisions of section 47 of the national defense act (39 Stat. 192) neither a bond nor an insurance policy should be exacted in such cases. (Dig. Opin. J. A. G., February, 1918.)

bers of such corps to and from such camps at the expense of the United States so far as appropriations will permit; to subsist them at the expense of the United States while traveling to and from such camps and while remaining therein so far as appropriations will permit; to use the Regular Army, such other military forces as Congress from time to time authorizes, and such Government property as he may deem necessary for the military training of the members of such corps while in attendance at such camps; to prescribe regulations for the government of such corps; and to authorize in his discretion, the formation of company units thereof into battalion and regimental units. *Sec. 48, id. 193.*

1565. *President alone may appoint qualified graduates of, in Officers' Reserve Corps; conditions.*—The President alone, under such regulations as he may prescribe, is hereby authorized to appoint in the Officers' Reserve Corps any graduate of the senior division of the Reserve Officers' Training Corps who shall have satisfactorily completed the further training provided for in section fifty of this Act, or any graduate of the junior division who shall have satisfactorily completed the courses of military training prescribed for the senior division and the further training provided for in section fifty of this Act, and shall have participated in such practical instruction subsequent to graduation as the Secretary of War shall prescribe, who shall have arrived at the age of twenty-one years and who shall agree, under oath in writing, to serve the United States in the capacity of a reserve officer of the Army during a period of at least ten years from the date of his appointment as such reserve officer, unless sooner discharged by proper authority; but the total number of reserve officers so appointed shall not exceed fifty thousand. *Sec. 49, id.*

1566. *Same—Qualified graduates not eligible for appointment while undergoing postgraduate course.*—Any graduate qualified under the provisions of this section undergoing a postgraduate course at any institution shall not be eligible for appointment as a reserve officer while undergoing such postgraduate course, but his ultimate eligibility upon completion of such postgraduate course for such appointment shall not be affected because of his having undergone such postgraduate course. *Id.*

1567. *Members who have completed two years of training may be furnished with commutation of subsistence for remainder of course of training.*—When any member of the senior division of the Reserve Officers' Training Corps has completed two academic years of service in that division, and has been selected for further training by the president of the institution and by its professor of military science and tactics, and has agreed in writing to continue in the Reserve

1589. *Not entitled to retirement or retirement pay; pensionable status.*—Said enlisted men shall not be entitled to retirement or retirement pay, nor shall they be entitled to pensions except for physical disability incurred in line of duty while in active service or while traveling under orders of competent authority to or from designated places of duty. *Id.*

1590. *Uniform to be same as for enlisted men of Regular Army and to be issued in kind.*—The uniform to be worn by enlisted men of the Enlisted Reserve Corps, except corps insignia, shall be the same as prescribed for enlisted men of the Regular Army Reserve, and that in lieu of any money allowance for clothing there shall be issued to each enlisted man of the Enlisted Reserve Corps in time of peace such articles of clothing and equipment as the President may direct. *Id.*

1591. *Same—Clothing or other equipment to remain property of United States.*—Any clothing or other equipment issued to any enlisted man of the said corps shall remain the property of the United States, and in case of loss or destruction of any article, the article so lost or destroyed shall be replaced by issue to the enlisted man and the value thereof deducted from any pay due or to become due him, unless it shall be made to appear that such loss or destruction was not due to neglect or other fault on his part. *Id.*

1592. *Same—Unserviceable to be replaced.*—Any clothing or other equipment issued to enlisted men of the Enlisted Reserve Corps which shall have become unserviceable through ordinary wear and tear in the service of the United States shall be received back by the United States and serviceable like articles issued in lieu thereof. *Id.*

1593. *Arms, clothing, and equipment issued to be accounted for on discharge.*—When enlisted men of the Enlisted Reserve Corps shall be discharged or otherwise separated from the service, all arms, equipage, clothing, and other property issued to them shall be accounted for under such regulations as may be prescribed by the Secretary of War. *Id.*

1594. *Enlisted men ordered to active service subject to rules and articles of war.*—Any enlisted man of the Enlisted Reserve Corps ordered to active service or for purposes of instruction or training shall, from the time he is required by the terms of the order to obey the same, be subject to the laws and regulations for the government of the Army of the United States. *Id.*

1595. *May be discharged when services no longer required or for misconduct.*—The Secretary of War is hereby authorized to discharge any enlisted member of the Enlisted Reserve Corps when his services shall be no longer required, or when he shall have by misconduct unfitted himself for further service in the said corps. *Id.*

1596. *Certificate of enlistment forfeited, in addition to other punishment, for failure to obey order assigning to active duty.*—Any enlisted man of said corps who shall be ordered upon active duty as herein provided and who shall willfully fail to comply with the terms of the order so given him shall, in addition to any other penalty to which he may be subject, forfeit his certificate of enlistment. *Id.*

1597. *In time of actual or threatened hostilities may be ordered to active duty with Regular Army.*—In time of actual or threatened hostilities the President may order the Enlisted Reserve Corps, in such numbers and at such times as may be considered necessary, to active service with the Regular Army, and while on such service members of said corps shall exercise command appropriate to their several grades and rank in the organizations to which they shall be assigned and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service as now allowed by law for the Regular Army. *Id.*

1598. *Same—May be mustered into the volunteer service with grades held in their corps.*—Upon a call by the President for a volunteer force the members of the Enlisted Reserve Corps may be mustered into the service of the United States as volunteers for duty with the Army in the grades held by them in the said corps, and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service, as now provided by law for the Regular Army. *Id.*

1599. *Same—Certificate of enlistment does not give vested right to be so mustered.*—Enlisted men of the Enlisted Reserve Corps shall not acquire by virtue of issuance of certificates of enlistment to them a vested right to be mustered into the volunteer service of the United States. *Id.*, 197.

1574a. *Same—Rate of mileage for civilians attending, time of payment.*—So much of section fifty-four of the Act of June third, nineteen hundred and sixteen, entitled "An Act for making further and more effectual provision for the national defense, and for other purposes," as relates to the transportation of citizens who, conformably to such regulations as the Secreary of War may prescribe, attend training camps be, and the same is hereby amended so as to provide that said citizens shall be paid as traveling allowances three and one-half cents per mile for the distance by the shorest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto: *Provided further*, That the payment of travel pay for the return journey may be made in advance of the actual performance of travel. *Act of May 12, 1917 (40 Stat. 70), amending Sec. 54, Act of June 3, 1916 (39 Stat. 194).*

1574b. *Pay of civilians designated for training as officers during period of training.*—The Secretary of War is hereby authorized out of this appropriation to pay to persons designated by him for training as officers in the Army during the period of their training the sum of not to exceed $100 per month in addition to the allowances authorized by said section fifty-four: *Provided*, That they shall agree to accept appointment in the Officers' Reserve Corps in such grade as may be tendered by the Secretary of War.[1] *Act of May 12, 1917 (40 Stat. 70.)*

1575. *Same—Secretary of War to prescribe course of instructions at, and detail Regular officers and enlisted men for duty in connection with.*—The Secretary of War is authorized further to prescribe the courses of theoretical and practical instruction to be pursued by persons attending the camps authorized by this section; to fix the periods during which such camps shall be maintained; to prescribe rules and regulations for the government thereof; and to employ thereat officers and enlisted men of the Regular Army in such num-

[1] *Held*, that an employee of the United States on leave of absence and attending an officers' training camp as a candidate for a commission in the Officers' Reserve Corps of the Army may not lawfully receive his regular compensation as a civilian employee for such period in addition to pay as such candidate when the annual rate of the combined compensation so received exceeds $2,000, in view of the act of August 29, 1916 (39 Stat. 582), amending section 6, act of May 10, 1916; *and further*, that he can not elect to refuse his military pay in order to accept the pay of his civil position. (Comp. Treas., June 25, 1917; War Dept. Bull. 49, Aug. 22, 1917.)

Enlisted men of the National Guard, as well as students at Signal Corps aviation schools, while being trained as officers in training schools or camps are entitled to the same pay and allowances as candidates at reserve officers' training camps. (War Dept. Bull. 67, Nov. 30, 1917.)

The travel expenses of graduates from an aviation general supply depot transferred to various flying schools for instruction in flying, such persons being candidates for commission, are payable from the appropriations for civil military training provided for in the Army appropriation act of May 12, 1917. (Dig. Opin. J. A. G., January, 1918.)

bers and upon such duties as he may designate. *Sec. 54, Act of June 3, 1916 (39 Stat. 194).*

1576. *Appropriation for maintenance of camps on military reservations, etc., for training civilians.*—To provide for the expense of maintaining, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, under such regulations as may be prescribed by the Secretary of War, and to furnish to said citizens the subsistence, transportation, and uniforms authorized by the Act of Congress approved June third, nineteen hundred and sixteen, $2,000,000. *Act of Aug. 29, 1916 (39 Stat. 648).*

1576a. *Training camps for civilians.*—For the expense of maintaining, upon military reservations or elsewhere, camps for the military instruction and training of such citizens physically capable of bearing arms as may be selected under such regulations as may be prescribed by the Secretary of War, and for furnishing said citizens, at the expense of the United States, uniforms, subsistence, transportation by the most usual and direct route within said limits as to territory as may be prescribed; for such expenditures as may be deemed necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to maintaining said camps and the theoretical winter instruction in connection therewith, including textbooks and stationery; for furnishing such equipments, tentage, field equipage, and transportation belonging to the United States as may be deemed necessary as authorized by section fifty-four of the Act of Congress approved June third, nineteen hundred and sixteen, $3,281,000. *Act of May 12, 1917 (40 Stat. 69).*

1577. *Same—Available for transportation and subsistence of citizens between certain ages who have attended camps during 1916.*—So much of this appropriation as may be necessary shall be available for the subsistence and transportation of all persons between the ages of eighteen and forty-five years who have attended any camp authorized by the Secretary of War during the calendar year nineteen hundred and sixteen. *Act of Aug. 29, 1916 (39 Stat. 648).*

1578. *Training camp for civilians on military reservation at Fort Douglas, Utah, maintenance of.*—The Secretary of War be, and he is hereby, authorized to maintain upon the military reservation of Fort Douglas, Utah, for such period within the fiscal year ending June thirtieth, nineteen hundred and seventeen, as he may deem advisable, a camp for the military instruction and training of such citizens as may be selected for such instruction and training under such regulations as he may prescribe, and to furnish to said citizens the subsistence, transportation, and uniforms authorized by the Act of Con-

gress approved June third, nineteen hundred and sixteen; and for the purposes of this Act there is hereby appropriated the sum of $30,000, to be paid out of any money in the Treasury not otherwise appropriated. *Id, 671.*

1579. *Establishment and equipment of indoor and outdoor rifle ranges for training civilians.*—To establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the National Board for Promotion of Rifle Practice and approved by the Secretary of War; to provide standard military arms and ammunition, indoor gallery rifles and ammunition; for the employment of labor in connection with the establishment of outdoor and indoor rifle ranges, including labor in operating targets; for the employment of instructors; for clerical services; for prizes, trophies, badges, and other insignia; for the transportation of employees, instructors, and civilians to engage in practice; for the purchase of materials, supplies, and services, and for expenses incidental to instruction of citizens of the United States in marksmanship, to be expended under the direction of the Secretary of War and to remain available until expended. *Id, 648.*

1579a. *Same.*—To establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the National Board for Promotion of Rifle Practice and approved by the Secretary of War; for the employment of labor in connection with the establishment of outdoor and indoor rifle ranges, including labor in operating targets; for the employment of instructors; for clerical services; for badges and other insignia; for the transportation of employees, instructors, and civilians to engage in practice; for the purchase of materials, supplies, and services, and for expenses incidental to instruction of citizens of the United States in marksmanship, to be expended under the direction of the Secretary of War and to remain available until expended. *Act of May 12, 1917 (40 Stat. 69).*

1580. *Same—Officer of Army or Marine Corps may be appointed Director of Civilian Marksmanship.*—The President be, and he is hereby, authorized, in his discretion, to appoint, as Director of Civilian Marksmanship, under the direction of the Secretary of War, an officer of the Army or of the Marine Corps. *Act of Aug. 29, 1916 (39 Stat. 648).*

ENLISTED RESERVE CORPS.

1581. *Enlisted reserve for staff departments.*—For the purpose of securing an additional reserve of enlisted men for military service with the Engineer, Signal, and Quartermaster Corps and the Ordnance and Medical Departments of the Regular Army, an Enlisted

Reserve Corps, to consist of such number of enlisted men of such grade or grades as may be designated by the President from time to time, is hereby authorized, such authorization to be effective on and after the first day of July, nineteen hundred and sixteen. *Sec. 55, Act of June 3, 1916 (39 Stat. 195).*

1581a. *Regulations relating to enlistment of dental students in Enlisted Reserve Corps.*—All regulations concerning the enlistment of medical students in the Enlisted Reserve Corps and their continuance in their college course while subject to call to active service, shall apply similarly to dental students. *Act of Oct. 6, 1917 (40 Stat. 397.)*

(For the preceding provisions of this act see paragraphs 750d–750g, ante.)

1582. *Issuance of certificates of enlistment to persons found qualified, rights conferred by.*—There may be enlisted in the grade or grades hereinbefore specified, for a period of four years, under such rules as may be prescribed by the President, citizens of the United States, or persons who have declared their intentions to become citizens of the United States, subject to such physical, educational, and practical examination as may be prescribed in said rules. For men enlisting in said grade or grades certificates of enlistment in the Enlisted Reserve Corps shall be issued by The Adjutant General of the Army, but no such man shall be enlisted in said corps unless he shall be found physically, mentally, and morally qualified to hold such certificate and unless he shall be between the ages of eighteen and forty-five years. The certificates so given shall confer upon the holders when called into active service or for purposes of instruction and training, during the period of such active service, instruction, or training, all the authority, rights, and privileges of like grades of the Regular Army. Enlisted men of the Enlisted Reserve Corps shall take precedence in said corps according to the dates of their certificates of enlistment therein and when called into active service or when called out for purposes of instruction or training shall take precedence next below all other enlisted men of like grades in the Regular Army. *Sec. 55, Act of June 3, 1916 (39 Stat. 195).*

1583. *Rosettes or knots to be issued to members attending at least one encampment for military instruction of citizens.*—And the Secretary of War is hereby authorized to issue to members of the Enlisted Reserve Corps and to persons who have participated in at least one encampment for the military instruction of citizens, conducted under the auspices of the War Department, distinctive rosettes or knots designed for wear with civilian clothing, and whenever a rosette or knot issued under the provisions of this section shall have been lost, destroyed, or rendered unfit for use without

fault or neglect upon the part of the person to whom it is issued, the Secretary of War shall cause a new rosette or knot to be issued to such person without charge therefor. *Id.*

1584. *Same—Penalty for unauthorized wearing of.*—Any person who is not an enlisted man of the Enlisted Reserve Corps and shall not have participated in at least one encampment for the military instruction of citizens, conducted under the auspices of the War Department, and who shall wear such rosette or knot shall be guilty of misdemeanor punishable by a fine of not exceeding $300, or imprisonment not exceeding six months, or both. *Id.*

1585. *Assignment of members to organizations of Regular Army or organization of into units or detachments of any arm, etc.*—The President is authorized to assign members of the Enlisted Reserve Corps as reserves to particular organizations of the Regular Army, or to organize the Enlisted Reserve Corps, or any part thereof, into units or detachments of any arm, corps, or department in such manner as he may prescribe, and to assign to such units and detachments officers of the Regular Army or of the Officers' Reserve Corps, herein provided for. *Id.*

1586. *May be ordered to active service annually for purpose of instruction or training.*—To the extent provided from time to time by appropriations the Secretary of War may order enlisted men of the Enlisted Reserve Corps to active service for purposes of instruction or training for periods not to exceed fifteen days in any one calendar year. *Id.*

1587. *Same—Periods of active service may be extended with consent of enlisted men.*—With the consent of such enlisted men and within the limits of funds available for such purposes, such periods of active service may be extended for such number of enlisted men as may be deemed necessary. *Id., 196.*

1588. *Same—Pay and allowances while in active service.*—Enlisted men of the Enlisted Reserve Corps shall receive the pay and allowances of their respective grades, but only when ordered into active service, including the time required for actual travel from their homes to the places to which ordered and return to their homes.[1] *Id.*

[1] The question was submitted whether enlisted men of the Aviation Section, Signal Enlisted Reserve Corps, are entitled to increased pay when on duty requiring them to participate regularly and frequently in aerial flights.

Held, that they are so entitled, under the same conditions as are enlisted men of the Regular Army on such duty, for the reason that section 3 of the act of July 18, 1914 (38 Stat., 514), creating the Aviation Section of the Signal Corps and prescribing the personnel, provides that each aviation enlisted man shall receive additional pay when on such duty; and section 13, national defense act, only repeals inconsistent provisions of the prior law, leaving this provision in force; and section 55, national defense act, provides that members of the Enlisted Reserve Corps, when in active service," shall be entitled to the pay and allowances of the corresponding grades of the Regular Army," etc. (War Dept. Bull. 54, Sept. 26, 1917.)

1589. *Not entitled to retirement or retirement pay; pensionable status.*—Said enlisted men shall not be entitled to retirement or retirement pay, nor shall they be entitled to pensions except for physical disability incurred in line of duty while in active service or while traveling under orders of competent authority to or from designated places of duty. *Id.*

1590. *Uniform to be same as for enlisted men of Regular Army and to be issued in kind.*—The uniform to be worn by enlisted men of the Enlisted Reserve Corps, except corps insignia, shall be the same as prescribed for enlisted men of the Regular Army Reserve, and that in lieu of any money allowance for clothing there shall be issued to each enlisted man of the Enlisted Reserve Corps in time of peace such articles of clothing and equipment as the President may direct. *Id.*

1591. *Same—Clothing or other equipment to remain property of United States.*—Any clothing or other equipment issued to any enlisted man of the said corps shall remain the property of the United States, and in case of loss or destruction of any article, the article so lost or destroyed shall be replaced by issue to the enlisted man and the value thereof deducted from any pay due or to become due him, unless it shall be made to appear that such loss or destruction was not due to neglect or other fault on his part. *Id.*

1592. *Same—Unserviceable to be replaced.*—Any clothing or other equipment issued to enlisted men of the Enlisted Reserve Corps which shall have become unserviceable through ordinary wear and tear in the service of the United States shall be received back by the United States and serviceable like articles issued in lieu thereof. *Id.*

1593. *Arms, clothing, and equipment issued to be accounted for on discharge.*—When enlisted men of the Enlisted Reserve Corps shall be discharged or otherwise separated from the service, all arms, equipage, clothing, and other property issued to them shall be accounted for under such regulations as may be prescribed by the Secretary of War. *Id.*

1594. *Enlisted men ordered to active service subject to rules and articles of war.*—Any enlisted man of the Enlisted Reserve Corps ordered to active service or for purposes of instruction or training shall, from the time he is required by the terms of the order to obey the same, be subject to the laws and regulations for the government of the Army of the United States. *Id.*

1595. *May be discharged when services no longer required or for misconduct.*—The Secretary of War is hereby authorized to discharge any enlisted member of the Enlisted Reserve Corps when his services shall be no longer required, or when he shall have by misconduct unfitted himself for further service in the said corps. *Id.*

1596. *Certificate of enlistment forfeited, in addition to other punishment, for failure to obey order assigning to active duty.*—Any enlisted man of said corps who shall be ordered upon active duty as herein provided and who shall willfully fail to comply with the terms of the order so given him shall, in addition to any other penalty to which he may be subject, forfeit his certificate of enlistment. *Id.*

1597. *In time of actual or threatened hostilities may be ordered to active duty with Regular Army.*—In time of actual or threatened hostilities the President may order the Enlisted Reserve Corps, in such numbers and at such times as may be considered necessary, to active service with the Regular Army, and while on such service members of said corps shall exercise command appropriate to their several grades and rank in the organizations to which they shall be assigned and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service as now allowed by law for the Regular Army. *Id.*

1598. *Same—May be mustered into the volunteer service with grades held in their corps.*—Upon a call by the President for a volunteer force the members of the Enlisted Reserve Corps may be mustered into the service of the United States as volunteers for duty with the Army in the grades held by them in the said corps, and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service, as now provided by law for the Regular Army. *Id.*

1599. *Same—Certificate of enlistment does not give vested right to be so mustered.*—Enlisted men of the Enlisted Reserve Corps shall not acquire by virtue of issuance of certificates of enlistment to them a vested right to be mustered into the volunteer service of the United States. *Id.*, 197.

CHAPTER XLI.

PLANTS FOR MANUFACTURE OF ARMS, AMMUNITION, AND SUPPLIES—BOARDS AND COUNCIL OF NATIONAL DEFENSE, ETC.

	Par.
Plants for manufacture of arms, ammunition, and supplies	1600–1604
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PLANTS FOR MANUFACTURE OF ARMS, AMMUNITION AND SUPPLIES.

1600. *Purchase of products of in time of actual or threatened war.*—The President, in time of war or when war is imminent, is empowered, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry. *Sec. 120, Act of June 3, 1916 (39 Stat. 213.)*

1601. *Same—On refusal of plant to fill orders Government may take possession; penalty imposed on manufacturers for noncompliance.*—Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition, or parts of ammunition, or any necessary supplies or equipment for the Army, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant, which, in the opinion of the Secretary of

War shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War, or who shall refuse to furnish such arms, ammunitions, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War, then, and in either such case, the President, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement herein provided for, is hereby authorized to take immediate possession of any such plant or plants, and through the Ordnance Department of the United States Army, to manufacture therein in time of war, or when war shall be imminent, such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding $50,000. *Id.*

1602. *Same—Compensation or rental for use of plant to be fair and just.*—The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just. *Id.*

1603. *List of private arms and ammunition plants, showing capacity, etc.*—The Secretary of War shall also make, or cause to be made, a complete list of all privately owned plants in the United States equipped to manufacture arms or ammunition, or the component parts thereof. He shall obtain full and complete information regarding the kind of arms or ammunition, or the component parts thereof, manufactured or that can be manufactured by each such plant, the equipment in each plant, and the maximum capacity thereof. *Id.*, 214.

1604. *Same—List of private manufacturing plants capable of being transformed into ammunition factories, with plans for such transformation.*—He shall also prepare, or cause to be prepared, a list of privately owned manufacturing plants in the United States capable of being readily transformed into ammunition factories, where the capacity of the plant is sufficient to warrant transforming such plant or plants into ammunition factories in time of war or when war shall be imminent; and as to all such plants the Secretary

of War shall obtain full and complete information as to the equipment of each such plant, and he shall prepare comprehensive plans for transforming each such plant into an ammunition factory, or a factory in which to manufacture such parts of ammunition as in the opinion of the Secretary of War such plant is best adapted. *Id.*

1605. *Board on Mobilization of Industries Essential to Military Preparedness.*—The President is hereby authorized, in his discretion, to appoint a Board on Mobilization of Industries Essential for Military Preparedness, nonpartisan in character, and to take all necessary steps to provide for such clerical assistance as he may deem necessary to organize and coordinate the work hereinbefore described. *Id.*

1606. *Board to investigate Government manufacture of arms, munitions, and equipment.*—The Secretary of War is hereby authorized to appoint a board of five citizens, two of whom shall be civilians and three of whom shall be officers of the Army, to investigate and report to him the feasibility, desirability, and practicability of the Government manufacturing arms, munitions, and equipment, showing in said report the comparative prices of the arms, munitions, and equipment manufactured in Government plants and those manufactured in private plants, the amount of money necessary to build and operate Government plants for the manufacture of arms, munitions, and equipment; showing also what the Government plants and arsenals are now doing in the way of manufacturing arms, munitions, and equipment, and what saving has accrued to the Government by reason of its having manufactured a large part of its own arms, munitions, and equipment for the last four years. And the Secretary of War is hereby directed to transmit said report to Congress on or before January first, nineteen hundred and seventeen. *Sec. 121, id.*

1607. *Procurement of gauges, dies, tools, drawings, etc., for manufacture of arms and ammunition.*—The Secretary of War be, and he is hereby, authorized to prepare or cause to be prepared, to purchase or otherwise procure, such gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings, as may be necessary for the immediate manufacture, by the Government and by private manufacturers, of arms, ammunition, and special equipment necessary to arm and equip the land forces likely to be required by the United States in time of war. *Sec. 123, id. 215.*

1608. *Same—May be purchased without advertisement.*—In the expenditure of any sums appropriated to carry out the purposes of this section the existing laws prescribing competition in the procurement of supplies by purchase shall not govern, whenever in the opin-

ion of the Secretary of War such action will be for the best interest of the public service. *Id.*

1609. *Same—Appropriation for purchase of, for manufacture of ammunition.*—That $250,000 of this appropriation[1] may be used to procure gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings necessary for the manufacture by the Government and by private manufacturers of ammunition necessary for the use of the land forces of the United States in time of war, and in the purchase of lots of ammunition to complete the object of this proviso the existing laws prescribing competition in the procurement of supplies by purchase shall not govern in orders not to exceed $50,000 in any one case. *Act of Aug. 29, 1916 (39 Stat. 642).*

1610. *Same—Appropriation for purchase of for manufacture of arms.*—That $200,000 of this appropriation[2] may be used to procure gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings, necessary for the manufacture by private manufacturers, of arms necessary to arm the land forces likely to be required by the United States in time of war, and in the purchase of lots of arms to complete the object of this proviso the existing laws prescribing competition in the procurement of supplies by purchase shall not govern in orders not to exceed $50,000 in any one case. *Id. 643.*

1611. *Same—Appropriation for purchase of for manufacture of Field Artillery ammunition for National Guard.*—Not more than $200,000 of this appropriation[3] may be used to procure gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings necessary for the manufacture by private manufacturers of Field Artillery ammunition necessary for the use of the land forces of the United States in time of war, and in the purchase of lots of ammunition to complete the object of this proviso the existing laws prescribing competition in the procurement of supplies by purchase shall not govern in orders not to exceed $50,000 in any one case. *Id. 644.*

1611a. *Cooperation of Departments, Bureau, and Council of National Defense, in standardizing and testing standard gauges, screw threads, etc.*—To provide by cooperation of the Bureau of Standards, the War Department, the Navy Department, and the Council of National Defense, for the standardization and testing of the standard gauges, screw threads, and standards required in manufacturing throughout the United States, and to calibrate and test such standard

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[1] The appropriation referred to is $10,000,000 for the manufacture and purchase of ammunition for small arms.

[2] The appropriation referred to is $5,000,000 for the manufacture of arms.

[3] The appropriation referred to is $10,000,000 for Field Artillery ammunition for the National Guard.

gauges, screw threads, and standards, including necessary equipment, rental in Washington, and elsewhere, erection of temporary structures, office expenses, books of reference and periodicals, personal services in the District of Columbia, and in the field, and all other necessary items not included in the foregoing, $150,000. *Act of June 15, 1917 (40 Stat. 216).*

1612. *Procurement of rights to inventions for control by radiodynamic energy of movement of torpedoes.*—For the procurement of the exclusive rights of John Hays Hammond, junior, and the Radio Engineering Company of New York (Incorporated) to their discoveries and inventions in the art of control by radiodynamic energy of the movement of water-borne carriers of high explosives, in accordance with a proposal heretofore made by said John Hays Hammond, junior, and said company, known as proposal Z, $750,000. *Act of July 6, 1916 (39 Stat. 347).*

1613. *Same—Acquisition conditional on favorable report of board of Army and Navy officers.*—Said sum shall not be paid except upon the approval by the President of a report of a board of three Army and three Navy officers, to be appointed by him, which report shall be favorable to the acquisition of such rights, such report to be made after a demonstration of the application of the said system to the control of torpedoes; and, to provide for such demonstration, $30,000 of the sum so appropriated, or so much thereof as may be necessary for the purpose, may be applied to the expense of conducting the same exclusive of the services of said Hammond, which services shall be rendered free of charge, the amount so applied and which shall be immediately available, in the event of the purchase of such rights, to be considered as part payment of the purchase price of the same. *Id.*

1614. *Commissioner of Patents, in event of contract, to issue patents to United States covering the invention, etc.*—The Commissioner of Patents is authorized and directed, in the event of the entrance by the Government into a contract with the above-mentioned parties for the purchase of such rights in all instances where it would grant patents to John Hays Hammond, junior, or to the Radio Engineering Company upon request of the United States to issue said patents to the United States, and, in the event of said contract being made, the Commissioner of Patents is further authorized and directed to keep applications for such patents in the secret archives of the Patent Office, not open to disclosure even in cases of interferences. *Id.*

1615. *Same—Installation of one radiodynamic torpedo unit, provided rights are acquired.*—For procurement and installation of one radiodynamic torpedo unit, $417,000: *Provided*, That no part of said sum shall be so expended unless the United States shall first acquire

as heretofore provided the rights of the said John Hays Hammond, junior, and the Radio Engineering Company of New York. *Id. 348.*

1616. *Same—Inventions important to the armament or defenses of the United States.*—All applications for patents shall be completed and prepared for examination within one year after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within one year after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable: *Provided, however,* That no application shall be regarded as abandoned which has become the property of the Government of the United States and with respect to which the head of any department of the Government shall have certified to the Commissioner of Patents, within a period of three years, that the invention disclosed therein is important to the armament or defense of the United States: *Provided further,* That within ninety days, and not less than thirty days, before the expiration of any such three-year period the Commissioner of Patents shall, in writing, notify the head of the department interested in any pending application for patent, of the approaching expiration of the three-year period within which any application for patent shall have been pending. *Sec. 4894, R. S., as amended by Act of July 6, 1916 (39 Stat. 348).*

1616a. *Keeping secret inventions, and withholding grant of patent therefor during time of war.*—Whenever during a time when the United States is at war the publication of an invention by the granting of a patent might, in the opinion of the Commissioner of Patents, be detrimental to the public safety or defense or might assist the enemy or endanger the successful prosecution of the war he may order that the invention be kept secret and withhold the grant of a patent until the termination of the war. *Act of Oct. 6, 1917 (40 Stat. 394.*

1616b. *Inventions abandoned, when.*—The invention disclosed in the application for said patent may be held abandoned upon it being established before or by the commissioner that in violation of said order said invention has been published or that an application for a patent therefor has been filed in a foreign country by the inventor or his assigns or legal representatives, without the consent or approval of the Commissioner of Patents, or under a license of the Secretary of Commerce as provided by law. *Id.*

1616c. *Compensation to patentee for use of inventions tendered to Government.*—When an applicant whose patent is withheld as herein provided and who faithfully obeys the order of the Commissioner of Patents above referred to shall tender his invention to the Govern-

ment of the United States for its use, he shall, if and when he ultimately received a patent, have the right to sue for compensation in the Court of Claims, such right to compensation to begin from the date of the use of the invention by the Government. *Id., 395.*

(See paragraphs 1425pp–1425rr, ante, for almost identical provisions contained in the Act of October 6, 1917 (40 Stat. 422), entitled the "Trading with the Enemy Act," section 10, except that the above provisions may be regarded as applicable during any time when the United States is at war, while the provisions in paragraphs 1425qq–1425rr appear to be applicable only during the present war.)

COUNCIL OF NATIONAL DEFENSE.

1617. *Composition and purpose of.*—A Council of National Defense is hereby established, for the coordination of industries and resources for the national security and welfare, to consist of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor. *Sec. 2, Act of Aug. 29, 1916 (39 Stat. 649).*

1618. *Same—Appointment, composition, and duties of an advisory commission.*—The Council of National Defense shall nominate to the President, and the President shall appoint, an advisory commission, consisting of not more than seven persons, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource, or be otherwise specially qualified, in the opinion of the council, for the performance of the duties hereinafter provided. The members of the advisory commission shall serve without compensation, but shall be allowed actual expenses of travel and subsistence when attending meetings of the commission or engaged in investigations pertaining to its activities. The advisory commission shall hold such meetings as shall be called by the council or be provided by the rules and regulations adopted by the council for the conduct of its work. *Id.*

1619. *Same—Duties of council.*—It shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method and means of produc-

tion, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation. *Id.*

1619a. *Powers or duties of council not enlarged by existence of state of war.*—In the expenditure of said moneys[1] the existence of a state of war shall not be construed as enlarging the powers or duties of the Council of National Defense, but that such powers and duties shall remain as prescribed by the Act creating said council, approved August twenty-ninth, nineteen hundred and sixteen. *Act of June 15, 1917 (40 Stat. 182).*

1620. *Same—Rules and regulations for conduct of its work; organization of subordinate bodies.*—The Council of National Defense shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the advisory commission to the end that the special knowledge of such commission may be developed by suitable investigation, research, and inquiry and made available in conference and report for the use of the council; and the council may organize subordinate bodies for its assistance in special investigations, either by the employment of experts or by the creation of committees of specially qualified persons to serve without compensation, but to direct the investigations of experts so employed. *Sec. 2, Act of Aug. 29, 1916 (39 Stat. 650).*

1621. *Same—Appropriation for investigations of, annual and other reports by, etc.*—The sum of $200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for experimental work and investigations undertaken by the council, by the advisory commission, or subordinate bodies, for the employment of a director, expert and clerical expenses and supplies, and for the necessary expenses of members of the advisory commission or subordinate bodies going to and attending meetings of the commission or subordinate bodies. Reports shall be submitted by all subordinate bodies and by the advisory commission to the council, and from time to time the council shall report to the President or to the heads of executive departments upon special inquiries or subjects appropriate thereto, and an annual report to the Congress

[1]Appropriation for expenses of experimental work and investigations undertaken by the Council, employment of experts, and clerical and other assistance at rates of compensation authorized by Section 167, Revised Statutes (Par. 44, ante), purchase of supplies, books of reference, expenses of members of the council, advisory commission, etc., attending meetings, and rental of quarters in the District of Columbia.

shall be submitted through the President, including as full a statement of the activities of the council and the agencies subordinate to it as is consistent with the public interest, including an itemized account of the expenditures made by the council or authorized by it, in as full detail as the public interest will permit: *Provided, however*, That when deemed proper the President may authorize, in amounts stipulated by him, unvouchered expenditures and report the gross sums so authorized not itemized. *Id.*

NITRATE SUPPLY.

1622. *For manufacture of munitions of war, etc.*—The President of the United States is hereby authorized and empowered to make, or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also hereby authorized and empowered to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this Act; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products. *Sec. 124, Act of June 3, 1916 (39 Stat. 215).*

1623. *Same—Acquisition of lands and materials for construction and operation of plants.*—The President is authorized to lease, purchase, or acquire, by condemnation, gift, grant, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants, and to take from any lands of the United States, or to purchase or acquire by condemnation materials, minerals, and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products. *Id.*

1624. *Same—Use and disposition of products of the plants.*—The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold

and disposed of by him under such regulations as he may prescribe. *Id.*

1625. *Same—Employment of necessary officers or agents to carry out purposes of section.*—The President is hereby authorized and empowered to employ such officers, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and to authorize and require such officers, agents, or agencies to perform any and all of the duties imposed upon him by the provisions hereof. *Id.*

1626. *Same—Appropriation for, to remain available until expended.*—The sum of $20,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to enable the President of the United States to carry out the purposes herein provided for. *Id.*

1627. *Same—Plants to be operated solely by the Government.*—The plant or plants provided for under this Act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital. *Id.*

1628. *Funds appropriated for, may be raised by sale of Panama Canal bonds.*—In order to raise the money appropriated by this Act and necessary to carry its provisions into effect, the Secretary of the Treasury, upon the request of the President of the United States, may issue and sell, or use for such purpose or construction hereinabove authorized, any of the bonds of the United States now available in the Treasury of the United States under the Act of August fifth, nineteen hundred and nine, the Act of February fourth, nineteen hundred and ten, and the Act of March second, nineteen hundred and eleven, relating to the issue of bonds for the construction of the Panama Canal, to a total amount not to exceed $20,000,000. *Id.*

1629. *Same—Maturity of bonds.*—Any Panama Canal bonds issued and sold or used under the provisions of this section may be made payable at such time after issue as the Secretary of the Treasury, in his discretion, may deem advisable, and fix, instead of fifty years after date of issue, as in said Act of August fifth, nineteen hundred and nine, not exceeding fifty years. *Id. 216.*

CHAPTER XLII.

SELECTIVE SERVICE ACT.

	Par.
Draft, organize, and equip additional force of 500,000 men; officers therefor	1630
Same—Organization same as corresponding organizations of Regular Army	1631
Appointment of officers	1632
Same — Recommissioning in Coast Guard former officers of Revenue-Cutter Service or	1633
Draft, organize, officer, equip and train additional force of 500,000 men	1634
Draft, organize, officer, and equip recruit training units	1635
Draft, organize, officer, and maintain batteries, battalions, etc	1636
Voluntary enlistment or draft of men necessary to complete and maintain Regular Army and drafted National Guard organizations; other forces raised by selective draft	1637
Persons subject to draft; age limit	1638
Quotas from States, Territories, and District of Columbia	1639
All drafted forces and officers holding commissions therein subject to Articles of War; duration of service	1640
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SELECTIVE SERVICE ACT.[1]

1630. *Draft, organize, and equip additional force of 500,000 men; officers therefor.*—To raise by draft as herein provided, organize and equip an additional force of five hundred thousand enlisted men, or such part or parts thereof as he may at any time deem necessary, and to provide the necessary officers, line and staff, for said force and for organizations of the other forces hereby authorized, or by combining organizations of said other forces, by ordering members of the Officers' Reserve Corps to temporary duty in accordance with the provisions of section thirty-eight[2] of the national defense Act approved June third, nineteen hundred and sixteen; by appointment from the Regular Army, the Officers' Reserve Corps, from those duly qualified and registered pursuant to section twenty-three[3] of the Act of Congress approved January twenty-first, nineteen hundred and three (Thirty-second Statutes at Large, page seven hundred and seventy-five), from the members of the National Guard drafted into the service of the United States, from those who have been graduated from educational institutions at which military instruction is compulsory, or from those who have had honorable service in the Regular Army, the National Guard, or in the volunteer

[1] Certain paragraphs which relate to the Regular Army, etc., will be found under other chapters.
[2] Paragraph 1544, ante, or 39 Stat. 190.
[3] See footnote to paragraph 1388, ante, or 32 Stat. 779.

forces, or from the country at large,[1] by assigning retired officers of the Regular Army to active duty with such force with their rank on the retired list and the full pay and allowances of their grade; or by the appointment of retired officers and enlisted men, active or retired[2] of the Regular Army as commissioned officers in such forces. *Par. 3, Sec. 1, Act of May 18, 1917 (40 Stat. 76.)*

(See note to paragraph 329a for distinction between a commission in the National Army, the Regular Army, etc.)

1631. *Same—Organization same as corresponding organizations of Regular Army.*—The organization of said force shall be the same as that of the corresponding organizations of the Regular Army.[3] *Id.*

(For paragraphs 1 and 2 of this section, see paragraphs 331c¼, 331c¼, 1339p, and 1339q, and for the ensuing provision of this paragraph of the section, see paragraph 356b, ante.)

1632. *Appointment of officers.*—Officers with rank not above that of colonel shall be appointed by the President alone, and officers above that grade by the President by and with the advice and consent of the Senate. *Id., 77.*

(For the provision of this paragraph of section 1 immediately preceding this paragraph, see paragraph 356e.)

1633. *Same—Recommissioning in Coast Guards former officers of Revenue-Cutter Service or.*—The President may in his discretion recommission in the Coast Guard persons who have heretofore held commissions in the Revenue-Cutter Service or the Coast Guard and have left the service honorably, after ascertaining that they are qualified for service physically, morally, and as to age and military fitness. *Id.*

1634. *Draft, organize, officer, equip, and train additional force of 500,000 men.*—The President is further authorized, in his discretion and at such time as he may determine, to raise and begin the training of an additional force of five hundred thousand men organized, offi-

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[1] An officer appointed to the National Army from civil life under the act of May 18, 1917, upon his acceptance of his commission is entitled to mileage for travel under competent orders from his place of residence to his first duty station. (Act of June 12, 1906, 34 Stat. 246.) Similarly a member of the Officers' Reserve Corps is entitled to mileage upon being ordered to active duty (national defense act of June 3, 1916, sec. 38); (see 23 Comp. Dec. Comptroller 705). So much of paragraph 1279, Army Regulations, as is inconsistent herewith is not in accordance with the law. (Dig. Opin. J. A. G., January, 1918.)

[2] The acceptance by a retired enlisted man of an appointment to a higher grade while employed on active duty, under section 7 of the act of May 18, 1917 (40 Stat. 76), will not affect his retired status. Upon the termination of his active duty he will revert to the same status as a retired enlisted may which he occupied prior to the acceptance of an appointment in the temporary forces and will again become entitled to the retired pay and allowances of an enlisted man of his grade on the enlisted man's retired list. During his active duty his pay on the retired list is in abeyance. (*Id.* February, 1918.)

[3] See paragraph 1532a, ante, for authorization for appointments into certain designated grades in staff corps.

cered, and equipped, as provided for the force first mentioned in the preceding paragraph of this section. *Par. 4, Sec. 1, id.*

1635. *Draft, organize, officer, and equip recruit training units.*—To raise by draft, organize, equip, and officer, as provided in the third paragraph of this section, in addition to and for each of the above forces, such recruit training units as he may deem necessary for the maintenance of such forces at the maximum strength. *Par. 5, Sec. 1, id.*

1636. *Draft, organize, officer, and maintain ammunition batteries, battalions, etc.*—To raise, organize, officer, and maintain during the emergency such number of ammunition batteries and battalions, depot batteries and battalions, and such artillery parks, with such numbers and grades of personnel as he may deem necessary. Such organizations shall be officered in the manner provided in the third paragraph of this section, and enlisted men may be assigned to said organizations from any of the forces herein provided for or raised by selective draft as by this Act provided. *Par. 6, Sec. 1, id.*

(For paragraph 7, section 1, see paragraph 1388h, ante.)

1637. *Voluntary enlistment or draft of men necessary to complete and maintain Regular Army and drafted National Guard organizations; other forces raised by selective draft.*—The enlisted men required to raise and maintain the organizations of the Regular Army and to complete and maintain the organizations embodying the members of the National Guard drafted into the service of the United States, at the maximum legal strength as by this Act provided, shall be raised by voluntary enlistment, or if and whenever the President decides that they can not effectually be so raised or maintained, then by selective draft; and all other forces hereby authorized, except as provided in the seventh paragraph of section one, shall be raised and maintained by selective draft exclusively; but this provision shall not prevent the transfer to any force of training cadres from other forces. *Sec. 2, id.*

(For qualifications and conditions for voluntary enlistment see paragraph 1661, post.)

1638. *Persons subject to draft; age limit.*—Such draft as herein provided shall be based upon liability to military service of all male citizens, or male persons not alien enemies who have declared their intention to become citizens, between the ages of twenty-one and thirty years, both inclusive, and shall take place and be maintained under such regulations as the President may prescribe not inconsistent with the terms of this Act.[1] Id.

[1] Citizens of a foreign country subject to draft may not be released therefrom to permit them to enlist in the army of their own country. (War Dept. Bull. 67, Nov. 30, 1917.)

Relator was brought before the court on a writ of habeas corpus. He was a citizen of Russia, had never declared his intention of becoming a citizen of the

1638. ***Quotas from States, Territories, and District of Columbia.***— Quotas for the several States, Territories, and the District of Co-

United States, was drafted for military service and ordered to report, and was arrested by the military authorities for not reporting. He received the usual notices; he never made any claim for exemption on ground of alienage in the manner prescribed by the regulations. He alleged that he had made certain informal claims and failed to make formal claim by reason of assurances given him by members of the local board that being an alien he need not trouble himself further. This was denied by members of the local board. After the time for filing exemption claims had expired he made formal claim. The court stated the question at issue to be this:

"Is a person who failed to claim exemption on the ground that he was a nondeclarant alien, and who now asserts (without contradiction) that he is such an alien, properly in the custody of the military authorities?"

The question is answered in the affirmative, on the ground that the relator was not denied a fair hearing and the local and district boards acted in strict accordance with the procedure laid down by the regulations. The following excerpt from the opinion is of special interest:

"The remaining question is whether the local board wholly lacked jurisdiction. It is contended because nondeclarant aliens are exempted from the draft that no obligation was placed upon relator affirmatively to present his claim for exemption, and this is but another way of stating that by virtue of the act itself relator was automatically exempted.

"It must be conceded at the outset that Congress had the power to subject all persons to the draft whether citizens or aliens.

"The question, then, is whether from the structure of the act it was the intention of Congress that only those who claimed exemption should in proper cases be exempted or whether those entitled to exemption could disregard the procedure provided for by the act and the regulations and show *aliunde*, as here, that they fell within one of the statutory exempt classes.

"The whole plan of the act is undoubtedly to require that those who claim exemption shall affirmatively present their claim to the appropriate body so that that body can determine as a fact whether the person falls within the exempted classes. When, therefore, no such claim is presented and the proceedings of the local and the district boards are regular in every respect, the court can not go outside of the proceedings of the boards to determine independently something which the act required should be determined by these boards." (United States ex rel. Koopowitz *v.* Finley. United States District Court, Southern District of New York, Mayer, judge, Nov. 3, 1917; War Dept. Bull. 72, Dec. 24, 1917.)

The petitioner was a citizen of the Kingdom of Spain, who had filed his declaration of intention to become a citizen of the United States. He was arrested off the shore of Mexico by a United States war vessel and detained under process for evading the selective draft act. He made application for a writ of habeas corpus, claiming that when arrested he was on his way to Spain, and that he was not subject to the draft act on account of the provisions of the treaty with Spain by which its citizens are exempt from compulsory military service in the United States forces. *Held*, that the petitioner was subject to draft; that the provisions of the draft act, when in conflict with prior treaty stipulations, prevail over them, and that the order to show cause why a writ of habeas corpus should not issue be discharged and the writ denied. (In re Victor Larrucea, United States District Court, Southern District of California, Southern Davision. Bledsoe, judge; id.

A nondeclarant citizen of Austria registered under the selective draft act, stating upon his registration card that he was a citizen of Austria. He made no claim for exemption and appeared for medical examination, but when notified to present himself for transportation to camp, he declined to do so and was arrested and brought to camp as a deserter. After his arrival in camp he was given a further opportunity to file affidavits in support of his claim but failed to do so. *Held*, that such man was in the military service of the United States. Section 18 of the Selective Service Regulations, provides (1) that a resident nondeclarant alien is entitled to claim exemption from the draft, (2) that such a claim must be made by the claimant or by some person in his behalf on a prepared form and filed with the local board before the seventh day after the mailing by the local board to him of the notice of his having been called for

lumbia, or subdivisions thereof, shall be determined in proportion to the population thereof, and credit shall be given to any State, Territory, District, or subdivision thereof, for the number of men who were in the military service of the United States as members of the

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service, and (3) that the statement on the registration card of any such person that exemption is claimed shall not be construed or considered as the presentation of a claim for exemption. As pointed out in United States *v.* Finley (245 Fed. 871), alienage is a privilege which like all other claims for exemption must be asserted by the person claiming it in the manner prescribed in the regulations. It is immaterial that subsequent to the happening of the above-recited facts war has been declared upon Austria, since the status of the accused was fixed on the date of his induction into the military service. (Dig. Opin. J. A. G., January, 1918.)

The Supreme Court of the United States has held the selective draft act of May 18, 1917, to be a proper exercise of the war power conferred upon Congress by Article I, section 8, of the Constitution. In response to the contention of appellants that the power conferred upon Congress to raise armies was only coterminous with United States citizenship and could not be exerted so as to cause that citizenship to lose its dependent character and dominate State citizenship, the court pointed out that the power to raise armies, by the very terms of the Constitution, being delegated, is supreme. To the further contention that such power of Congress to raise armies was limited to calling for volunteers and could not include the power to exact enforced military duty by the citizen, the court replied that such a view challenged the existence of all power, "for a governmental power which has no sanction to it and which, therefore, can only be exercised provided the citizen consents to this exertion is in no substantial sense a power." The power is neither repugnant to a free government nor in conflict with the guaranties of the Constitution as to individual liberty. Such power to impose military service on the citizenry was recognized and enforced in England before the Norman conquest. Throughout the course of English constitutional history the existence of this power was unquestioned, though it was long a matter of dispute as to whether it resided in the Crown or in Parliament. The power in question has lately been exercised by the English military service act of January 27, 1916. In the American colonies before the separation from England, the right to enforce military service was unquestioned, as it was in the several States under the Articles of Confederation. It was obviously the intention of the framers of the Constitution to take this power from the States and delegate it to Congress; in fact, the want of power in Congress to raise armies was one of the recognized necessities for the adoption of our Constitution.

The constitutional power of Congress over the militia of the several States is much more limited, and the distinction between such power and the power of Congress to raise armies has been recognized throughout the history of the Nation. In the War of 1812, in the Mexican War, and in the earlier years of the Civil War, the State militia and volunteer forces were relied on by Congress in the creation of our armies; but by the act of March 3, 1863 (C. 75, 12 Stat. 731), every male citizen of the United States between the ages of 20 and 45 was made subject to be called by compulsory draft to service in the National Army at such time and in such numbers as the President in his discretion might find necessary, and under the power thus executed four separate drafts were made by the President and enforced during the years 1863 and 1864. The validity of such draft act was sustained in Kneedler *v.* Lane (45 Pa. St. 238); and a similar draft law enacted by the Confederate Congress pursuant to a clause in the Confederate Constitution identical with that of our own Constitution was upheld by the several courts of the seceding States. The force of the foregoing argument is strengthened by the fact that the fourteenth amendment, as has many times been pointed out, has broadened the national scope of the Government under the Constitution by causing citizenship of the United States to be paramount and dominant instead of being subordinate and derivative. Nor are any of the specific provisions of the act of May 18, 1917, repugnant to the Constitution. The contention that the act is void as a delegation of Federal powers to State officials because of some of its administrative features is wholly without merit; nor is the act void as vesting administrative officers with legislative discretion or with judicial

National Guard on April first, nineteen hundred and seventeen, or who have since said date entered the military service of the United States from any such State, Territory, District, or subdivision, either as members of the Regular Army or the National Guard. *Id., 78.*

1640. *All drafted forces and officers holding commissions therein subject to Articles of War; duration of service.*—All persons drafted into the service of the United States and all officers accepting commissions in the forces herein provided for shall, from the date of said draft or acceptance, be subject to the laws and regulations governing the Regular Army, except as to promotions, so far as such laws and regulations are applicable to persons whose permanent retention in the military service on the active or retired list is not contemplated by existing law, and those drafted shall be required to serve for the period of the existing emergency unless sooner discharged. *Id.*

(For the ensuing provision of this section see paragraph 1641, post.)

1640a. *Termination of services of persons selected by draft.*—The service of all persons selected by draft and all enlistments under the provisions of the Act entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," approved May eighteenth, nineteen hundred and seventeen, shall be for the period of the war, unless sooner terminated by discharge or otherwise. *Sec. 4, Act of June 15, 1917 (40 Stat. 217).*

1640b. *Proclamation as to peace and transportation of forces to home station.*—Whenever said war shall cease by the conclusion of peace between the United States and its enemies in the present war, the President shall so declare by a public proclamation to that effect, and within four months after the date of said proclamation or as soon thereafter as it may be practicable to transport the forces then serving without the United States to their home station, the provisions of said Act, in so far as they authorize compulsory service by selective draft or otherwise, shall cease to be of force and effect. *Id.*

1641. *Voluntary enlistment or draft of special and technical troops.*—The President is authorized to raise and maintain by voluntary enlistment or draft, as herein provided, special and technical troops as he may deem necessary, and to embody them into organizations and to officer them as provided in the third paragraph

discretion. Finally, the court points out that the contention that the thirteenth amendment is violated by the exaction by the Government from the citizen of the performance of his supreme and noble duty to contribute to the defense of his country in time of war is refuted by its mere statement. (Arver v. United States, 245 U. S., 366; Dig. Opin. J. A. G., January, 1918.)

of section one and section nine of this Act. *Sec. 2, Act of May 18, 1917 (40 Stat. 78).*

(For qualifications and conditions for voluntary enlistment see paragraph 1661, post.)

1642. *Organizations to be composed of and officered by men coming from same State or locality.*—Organizations of the forces herein provided for, except the Regular Army and the divisions authorized in the seventh paragraph of section one, shall, as far as the interests of the service permit, be composed of men who come, and of officers who are appointed from, the same State or locality. *Id.*

1643. *Bounties and substitutes prohibited.*—No bounty[1] shall be paid to induce any person to enlist in the military service of the United States; and no person liable to military service shall hereafter be permitted or allowed to furnish a substitute for such service; nor shall any substitute be received, enlisted, or enrolled in the military service of the United States; and no such person shall be permitted to escape such service or to be discharged therefrom prior to the expiration of his term of service by the payment of money or any other valuable thing whatsoever as consideration for his release from military service or liability thereto. *Sec. 3, id.*

1644. *Exemptions from selective draft.*—The Vice President of the United States, the officers, legislative, executive, and judicial, of the United States and of the several States, Territories, and the District of Columbia, regular or duly ordained ministers of religion, students who at the time of the approval of this Act are preparing for the ministry in recognized theological or divinity schools, and all persons in the military[2] and naval service of the United States shall be exempt from the selective draft herein prescribed; and nothing in this Act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found

[1] The question was presented whether the provision in the National Army act, approved May 18, 1917, that "no bounty shall be paid to induce any person to enlist in the military service of the United States," repealed the provision in the act of May 11, 1908 (35 Stat. 110), authorizing the payment of a sum equal to three months' pay to any honorably discharged soldier upon his reenlistment within three months after his discharge:

Held, That the three months' gratuity authorized by the act of May 11, 1908, upon the reenlistment of an honorably discharged soldier is not a bounty within the prohibition of the act of May 18, 1917, and that the former act was not repealed by the latter. (War Dept. Bull. 67, Nov. 30, 1917.)

[2] An officer in the National Guard whose organization, although recognized by the Militia Bureau, has been neither drafted into the military service of the United States, nor specially designated to be so drafted by orders from the War Department, is personally subject to draft under the selective draft act of May 18, 1917 (Selective Service Regulations, note 3, p. 40, as amended Dec. 10, 1917), and if drafted, he would be drafted as any other citizen of the United States—that is, as a private—and not as an officer in the National Guard. This would not constitute an illegal deprivation of his commission in the National Guard. (Dig. Opin. J. A. G., January, 1918.)

CHAPTER XLIII.

FOREIGN RELATIONS.[1]

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DISTURBANCE OF FOREIGN RELATIONS.

1670. *Untrue statements, etc., to influence conduct of foreign government, etc., to injury of United States, etc., punishment.*—Whoever, in relation to any dispute or controversy between a foreign government and the United States, shall willfully and knowingly make any untrue statement, either orally or in writing, under oath before any person authorized and empowered to administer oaths, which the affiant has knowledge or reason to believe will, or may be used to influence the measures or conduct of any foreign government, or of any officer or agent of any foreign government, to the injury of the United States, or with a view or intent to influence any measure of or action by the Government of the United States, or

[1] See also chapter entitled "Public Property," Espionage; and chapter entitled "The Employment of Military Force." Neutrality and Trading With the Enemy.

1646. *Same—Local boards for States, Territories, etc., to pass upon exemptions.*—The President is hereby authorized, in his discretion, to create and establish throughout the several States and subdivisions thereof and in the Territories and the District of Columbia local boards, and where, in his discretion, practicable and desirable, there shall be created and established one such local board in each county or similar subdivision in each State, and one for approximately each thirty thousand of population in each city of thirty thousand population or over, according to the last census taken or estimates furnished by the Bureau of Census of the Department of Commerce. *Id.*

1647. *Same—Appointment, composition, and qualification.*—Such boards shall be appointed by the President, and shall consist of three or more members, none of whom shall be connected with the Military Establishment, to be chosen from among the local authorities of such subdivisions or from other citizens residing in the subdivision or area in which the respective boards will have jurisdiction under the rules and regulations prescribed by the President. *Id.*

1648. *Same—Powers and duties of.*—Such boards shall have power within their respective jurisdictions to hear and determine, subject to review as hereinafter provided, all questions of exemption under this Act, and all questions of or claims for including or discharging individuals or classes of individuals from the selective draft, which shall be made under rules and regulations prescribed by the President, except any and every question or claim for including or excluding or discharging persons or classes of persons from the selective draft under the provisions of this Act authorizing the President to exclude or discharge from the selective draft "Persons engaged in industries, including agriculture, found to be necessary to the maintenance of the Military Establishment, or the effective operation of the military forces, or the maintenance of national interest during the emergency."[1] *Id.*

1649. *District boards, appointment, qualifications, and jurisdiction.*—The President is hereby authorized to establish additional

[1] The decisions of local boards upon claims for exemptions, including those based upon alienage, are conclusive. Where a man has been erroneously certified for service through error of law or nonculpable ignorance of the registrant, his case may be reopened by the local board upon request of the adjutant general of the State, either on his own motion or on motion of the military authorities or of the local board. Compiled rulings of Provost Marshal General, No. 12, M. (War Dept. Bull. 72, Dec. 24, 1917.)

Local boards have no power under present presidential regulations to compel the attendance of witnesses, for the regulations do not contemplate the taking of oral testimony, but require the presentation of evidence by affidavit. (*Id.*)

One who claims to be an alien enemy drafted into the military service of the United States has the same rights and obligations as any other person in the service. He may, of course, claim exemption at the proper time because of his alienage, but a determination by his local board that he is not an alien is final. (Dig. Opin. J. A. G., March, 1918.)

conspiracy shall be fined not more than $5,000, or imprisoned not more than three years, or both. Any indictment or information under this section shall describe the specific property which it was the object of the conspiracy to injure or destroy. *Sec. 5, id.*

(For general provisions of this act applicable to this title, see paragraphs 1475q-1475t.)

PASSPORTS.

1675. *Application for, contents, fees.*—Before a passport is issued to any person by or under authority of the United States such person shall subscribe to and submit a written application duly verified by his oath before a person authorized and empowered to administer oaths, which said application shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport. Clerks of United States courts, agents of the Department of State, or other Federal officials authorized, or who may be authorized, to take passport applications and administer oaths thereon, shall collect, for all services in connection therewith, a fee of $1, and no more, in lieu of all fees prescribed by any statute of the United States, whether the application is executed singly, in duplicate, or in triplicate. *Title IX, Sec. 1, id., 227.*

1676. *Same—False statements in application for; use, etc., of passport obtained through false statement, punishment.*—Whoever shall willfully and knowingly make any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws, or whoever shall willfully and knowingly use or attempt to use, or furnish to another for use, any passport the issue of which was secured in any way by reason of any false statement, shall be fined not more than $2,000 or imprisoned not more than five years or both. *Sec. 2, id.*

1677. *Same—Use, etc., of passport issued, etc., for another, or in violation of its conditions, etc.; furnishing, etc., passport for use by person other than person for whom originally issued, etc., punishment.*—Whoever shall willfully and knowingly use, or attempt to use, any passport issued or designed for the use of another than himself, or whoever shall willfully and knowingly use or attempt to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports, which said rules shall be printed on the passport; or whoever shall willfully and knowingly furnish, dispose of, or deliver a passport to any person, for use by another than the person for whose use it was originally issued and designed, shall be fined

1652. *Vacancies on local and district boards, filling of.*—Any vacancy in any such local board or district board shall be filled by the

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the right to raise armies by conscription, and that it did not by the terms of the act unconstitutionally delegate its powers to the President. As to the proper jurisdiction of the local and district boards, the court said:

"But it is said that the act is unconstitutional in that it deprives the complainant of his liberty without due process of law, contrary to the fifth amendment of the Constitution, which declares that no person shall be deprived of life, liberty, or property without due process of law. The Supreme Court has, however, held that a judicial trial does not prevail in every case. (Murray's Lessee *v.* Hoboken Land & Improvement Co., 18 How., 272, 280, 1855.) And in the United States *v.* Ju Toy (198 U. S., 253, 263, 1905), the court, speaking through Mr. Justice Holmes respecting the Chinese exclusion act, under which the decision of the Department of Labor is final as to the exclusion, said: 'If for the purpose of argument we assume that the fifth amendment applies to him and that to deny entrance to a citizen is to deprive him of liberty, we nevertheless are of the opinion that with regard to him due process of law does not require a judicial trial.' That the decision of the question whether a person of Chinese descent was born in the United States and therefore entitled to enter the country, or whether he was born in China and under the exclusion act not entitled to enter, may be intrusted to an executive officer, whose decision is final, and that it is due process of law, is established law. We see no reason why the same doctrine is not equally applicable to the case in hand. And we therefore hold that the complainant is not deprived of due process of law by being compelled to submit to the final decision of the local and district boards the question whether he is a subject of Austria-Hungary and whether he has not declared his intention to become a citizen of the United States.

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"If the complainant is, as he alleges, a subject of Austria-Hungary and has never declared his intention to become a citizen of the United States, as he also alleges, it is perfectly clear that he is not subject to the draft. Whether his allegations in this respect are true must, however, be determined in the manner prescribed by the act.

"It appears from the allegations of the complaint that the complainant filed an affidavit claiming exemption by reason of the fact that he was an alien and that the local board denied his application and that he appealed to district board, which affirmed the local board. It thus appears that the complainant was heard, and it is nowhere alleged that he was denied a full hearing or that the board rejected or refused to consider any evidence that he was entitled to present. In the absence of such a showing we have no doubt that the decision of the board is final and can not be interfered with by the courts.

"We do not, however, agree with the statement of the district judge heretofore quoted that there can be not interference of the courts in the action of these boards. We think a decision of the boards is final only where the board has proceeded in due form and where the party involved is given a fair opportunity to be heard and to present his evidence. But if an opportunity to be heard should be denied, there can be no doubt as to the right of the aggrieved party to come into the courts for the protection of his rights. And we do not believe that the district judge meant to say that a decision must be regarded as final under such circumstances.

"The law courts have a general superintending control by certiorari over all inferior tribunals acting in a judicial or quasi-judicial character. And jurisdiction is not entirely taken away by the words of a statute which declares that the judgment of the inferior tribunal shall be final.

* * * * * * *

"There can be no doubt, therefore, that under the conscription act, where a board has denied a full and fair hearing to an individual claiming exemption from military service, he might, if restrained of his liberty, sue out a writ of habeas corpus and obtain his liberty.

"But whatever remedy the complainant may have or not have there can be no doubt that he is not entitled to the relief he asks in his bill of complaint. * * *

"While disagreeing, therefore, with the opinion expressed by the district judge that the courts can not interfere with the action of the boards and

President, and any member of any such local board or district board may be removed and another appointed in his place by the President, whenever he considers that the interest of the nation demands it. *Id.*

1653. ***Regulations to be prescribed for organization, procedure, etc., of local and district boards of exemption.***—The President shall make rules and regulations governing the organization and procedure of such local boards and district boards, and providing for and governing appeals from such local boards to such district boards, and reviews of the decisions of any local board by the district board hav-

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holding as we do that the civil courts can afford relief from orders made by such boards in any case where it is shown that their proceedings have been without or in excess of their jurisdiction or have been so manifestly unfair as to prevent a fair investigation, or that there has been a manifest abuse of the discretion with which they are invested under the act, we nevertheless approve the conclusion he reached that the bill should be dismissed." (Angelus *v.* Sullivan (U. S. C. C. A., 2nd Circ., Oct., 1917), 45 Wash. L. Rep. 691; War Dept. Bull. 67, Nov. 30, 1917.)

In the case of Franke *v.* Murray decided February 14, 1918, by the United States Circuit Court of Appeals for the Eighth Circuit, the appellant, a citizen of the United States of draft age, had duly registered under the selective-draft act (40 Stat. 76), and had claimed exemption on the ground that he was a member of a religious sect whose creed forbade its members to participate in war. Such claim was, however, rejected by the local board, and he was duly notified to report for transportation to a military encampment of the United States. He refused to appear in response to the notice given him, whereupon, by the direction of the board he was arrested and turned over to the respondent, the commandant of Jefferson Barracks, as a deserter from the Army of the United States, to be tried by court-martial. The appellant sued out a writ of habeas corpus, and to a return stating the foregoing facts, he filed a reply, denying that he deserted the military service of the United States, as he was never in such service, never having taken the oath as a soldier. The hearing was had on the pleadings, whereupon the writ was discharged and the appellant remanded to the custody of the respondent. From this judgment the appellant appealed. The court, Hook and Smith, circuit judges, and Trieber, district judge, affirmed the judgment below. The opinion, delivered by Trieber, J., discussed the following points: (1) The constitutionality of the selective-draft act and the regulations thereunder was upheld by the Supreme Court in Arver *v.* United States, 245 U. S. 366. (2) Section 2 of the selective-draft act provides that a selected man is from the date of draft or acceptance subject to the laws and regulations governing the Regular Army, which of course includes the Articles of War. The second article of war (R. S. sec. 1342) enumerates as "persons subject to military law" (among others), "all other persons lawfully called, drafted, or ordered into, or to duty, or for training in, the said service [military service of the United States] from the dates they are required by the terms of the call, draft, or order to obey the same." Hence it is not necessary that a person drafted into the service of the United States should take the oath of office as a soldier in order to become subject to military law. (3) Appellant's claim that if he committed any offense, he can only be prosecuted in a civil court, and that therefore a court-martial is without jurisdiction is likewise untenable. Section 6 of the selective-draft act, making it a misdemeanor to violate any of the provisions of the act or the regulations made thereunder, expressly excepts those subject to military law. (4) Appellant's claim that he is a member of a religious sect whose creed forbids its members to participate in war can not be raised in a collateral proceeding like this. That was a question to be determined under the act of Congress, first by the local board and upon appeal by the district board,[a] and the adjudication of such boards, where the appellant has had a fair opportunity to be heard and to present his evidence, is not subject to review by the courts. (Dig. Opin. J. A. G., February, 1918.)

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[a] Under Section 111, Selective Service Regulations, there is no appeal to the district board on this question.

ing jurisdiction, and determining and prescribing the several areas in which the respective local boards and district boards shall have jurisdiction, and all other rules and regulations necessary to carry out the terms and provisions of this section, and shall provide for the issuance of certificates of exemption, or partial or limited exemptions, and for a system to exclude and discharge individuals from selective draft. *Id.*

1654. *Persons subject to registration; duty to register; failure or refusal to register, punishment.*—All male persons between the ages of twenty-one and thirty, both inclusive, shall be subject to registration in accordance with regulations to be prescribed by the President; and upon proclamation by the President or other public notice given by him or by his direction stating the time and place of such registration it shall be the duty of all persons of the designated ages, except officers and enlisted men of the Regular Army, the Navy, and the National Guard and Naval Militia while in the service of the United States, to present themselves for and submit to registration under the provisions of this Act; and every such person shall be deemed to have notice of the requirements of this Act upon the publication of said proclamation or other notice as aforesaid given by the President or by his direction; and any person who shall willfully fail or refuse to present himself for registration or to submit thereto as herein provided, shall be guilty of a misdemeanor and shall, upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than one year, and shall thereupon be duly registered.[1] *Sec. 5, id.*

1655. *Same—Precedence given in criminal prosecutions to cases of failure to register.*—In the call of the docket precedence shall be given, in courts trying the same, to the trial of criminal proceedings under this Act. *Id.*

1656. *Same—Age limit for registration; remain subject to draft unless exempted.*—Persons shall be subject to registration as herein provided who shall have attained their twenty-first birthday and who shall not have attained their thirty-first birthday on or before the day set for the registration, and all persons so registered shall be and remain subject to draft into the forces hereby authorized, unless exempted or excused therefrom as in this Act provided.[2] *Id.*

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[1] A person who willfully refuses to present himself for registration or to submit thereto, as provided in the selective-draft act, should be immediately registered and thereafter prosecuted for his misdemeanor. It would defeat the purpose of the act were the involuntary registration postponed until after service of the sentence imposed for the commission of the misdemeanor. (War Dept. Bull. 72, Dec. 24, 1917.)

[2] Where a registrant is certified by the district board for military service as being within the draft age, he can not be discharged from the military status thus imposed upon him either upon his own application or upon application of his parent or guardian upon the ground that he is not in fact of draft age. In the absence of fraud the decision of the board so certifying is final. (War Dept. Bull. 75, Dec. 31, 1917.)

1657. *Registration of temporary absentees.*—In the case of temporary absence from actual place of legal residence of any person liable to registration as provided herein such registration may be made by mail under regulations to be prescribed by the President.[1] *Id.*

1658. *Services of all departments and officers of United States, States, etc., may be utilized.*—The President is hereby authorized to utilize the service of any or all departments and any or all officers or agents of the United States and of the several States, Territories, and the District of Columbia, and subdivisions thereof, in the execution of this Act, and all officers and agents of the United States and of the several States, Territories, and subdivisions thereof, and of the District of Columbia, and all persons designated or appointed under regulations prescribed by the President whether such appointments are made by the President himself or by the governor or other officer of any State or Territory to perform any duty in the execution of this Act, are hereby required to perform such duty as the President shall order or direct, and all such officers and agents and persons so designated or appointed shall hereby have full authority for all acts done by them in the execution of this Act by the direction of the President.—*Sec. 6, id.*

1659. *Use of penalty envelopes for correspondence.*—Correspondence in the execution of this Act may be carried in penalty envelopes bearing the frank of the War Department. *Id., 81.*

1660. *Failure or neglect to perform required duties, false registration, etc., punishment.*—Any person charged as herein provided with the duty of carrying into effect any of the provisions of this Act or the regulations made or directions given thereunder who shall fail or neglect to perform such duty; and any person charged with such duty or having and exercising any authority under said Act, regulations, or directions, who shall knowingly make or be a party to the making of any false or incorrect registration, physical examination, exemption, enlistment, enrollment, or muster; and any person who shall make or be a party to the making of any false statement or certificate as to the fitness or liability of himself or any other person for service under the provisions of this Act, or regulations made by the President thereunder, or otherwise evades or aids another to evade the requirements of this Act or of said regulations, or who, in any manner, shall fail or neglect fully to perform any duty re-

[1] Sailors in the merchant marine, who, because of failure to report to their local boards under the Selective Service Regulations, have been delivered at the several cantonments charged with desertion, are drafted into the military service of the United States for military and not civil service. Consequently there is no method by which such men can be transferred to duty in the transport service of the United States, unless that service be operated by the military authorities.
(Dig. Opin. J. A. G., January, 1918.)

quired of him in the execution of this Act, shall, if not subject to military law, be guilty of a misdemeanor, and upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than one year, or, if subject to military law, shall be tried by court-martial and suffer such punishment as a court-martial may direct. *Id.*

1661. *Qualifications and conditions for voluntary enlistment.*—The qualifications and conditions for voluntary enlistment as herein provided shall be the same as those prescribed by existing law for enlistments in the Regular Army, except that recruits must be between the ages of eighteen and forty years, both inclusive, at the time of their enlistment; and such enlistments shall be for the period of the emergency unless sooner discharged.—*Sec. 7, id.*

(For the ensuing provision of this section see paragraph 1031h½, ante; and for voluntary enlistment or draft of men necessary to complete and maintain the Regular Army and drafted National Guard organizations at maximum legal strength, and the voluntary enlistment or draft of special and technical troops see paragraphs 1637 and 1641, ante.)

1662. *Grouping of enlisted or drafted units.*—All persons enlisted or drafted under any of the provisions of this Act shall as far as practicable be grouped into units by States and the political subdivisions of the same. *Id.*

(For the preceding provisions of this section see par. 1031h½, ante; and for ensuing provision see par. 1031h½.)

1663. *Temporary appointment of general officers.*—The President, by and with the advice and consent of the Senate, is authorized to appoint for the period of the existing emergency such general officers of appropriate grades as may be necessary for duty with brigades, divisions, and higher units in which the forces provided for herein may be organized by the President, and general officers of appropriate grade for the several Coast Artillery districts. *Sec. 8, id.*

(For section three, act of October 6, 1917, authorizing the temporary appointment of generals and lieutenant generals, and designating the number, pay, and allowances, etc., of same, see paragraphs 350d and 350e, ante.)

1663a. *Same—Selection of appointees.*—In so far as such appointments may be made from any of the forces herein provided for, the appointees may be selected irrespective of the grades held by them in such forces. *Id.*

1664. *Same—Vacancies in Regular Army resulting from such appointments.*—Vacancies in all grades in the Regular Army resulting from the appointment of officers thereof to higher grades in the forces other than the Regular Army herein provided for shall be filled by temporary promotions and appointments in the manner prescribed for filling temporary vacancies by section one hundred and fourteen of the national defense Act approved June third, nineteen hundred and sixteen; and officers appointed under the provisions of this Act to higher grades in the forces other than the Regular

Army herein provided for shall not vacate their permanent commissions nor be prejudiced in their relative or lineal standing in the Regular Army.[1] *Id.*

1665. *Period of appointments authorized by sections 1 and 8.*—The appointments authorized and made as provided by the second, third, fourth, fifth, sixth, and seventh paragraphs of section one and by section eight of this Act, and the temporary appointments in the Regular Army authorized by the first paragraph of section one of this Act, shall be for the period of the emergency, unless sooner terminated by discharge or otherwise. *Sec. 9, id., 82.*

1666. *Discharge of appointed officers; military boards to report upon capacity, qualifications, conduct, and efficiency of officers.*—The President is hereby authorized to discharge any officer from the office held by him under such appointment for any cause which, in the judgment of the President, would promote the public service; and the general commanding any division and higher tactical organization or territorial department is authorized to appoint from time to time military boards of not less than three nor more than five officers of the forces herein provided for to examine into and report upon the capacity, qualification, conduct, and efficiency of any commissioned officer within his command other than officers of the Regular Army holding permanent or provisional commissions therein.[2] *Id.*

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[1] An acceptance of a Regular Army commission, whether permanent or temporary, in a lower grade than that held by an officer of the Regular Army in the temporary forces does not affect the status of the officer in the temporary forces, for the act of May 18, 1917, provides that officers of the Regular Army appointed to higher grades in such temporary forces shall not vacate their permanent commissions nor be prejudiced in their relative or lineal standing in the Regular Army. (War Dept. Bul. 75, Dec. 31, 1917.)

[2] Upon the draft of the National Guard into the Federal service officers thereof became officers of the United States Army and can thereafter be discharged only under section 9 of the act of May 18, 1917. Paragraph 19, Special Regulations 55, War Department, 1917, does not apply. (War Dept. Bull. 67, Nov. 30, 1917.)

An efficiency board convened pursuant to section 77 of the national defense act completed its action prior to August 5, 1917, recommending the discharge of certain officers of the Illinois National Guard, but no order was issued thereon until after the draft of said officers on August 5, 1917.

Held, That no valid order could be issued thereon, and that said officers may be discharged from service only under section 9 of the selective-draft act. The discharge may be made by the President for any cause which, in his judgment, would promote the public service; or it may be made by the President after determination by a board of officers that the officers in question are unfit. (War Dept. Bull. 75, Dec. 31, 1917.)

Under section 9 of the act of May 18, 1917, boards appointed to examine into and report upon the capacity, qualification, conduct, and efficiency of any commissioned officer other than officers of the Regular Army may be appointed by the general commanding any division or higher tactical organization or territorial department. If such a board finds adversely to the continuance in the service of any such officer, its finding must be transmitted to the President for his approval. To enable the President to perform intelligently his function in connection with such finding, the same should be accompanied by a stenographic report of the whole proceedings, or, if that be impracticable, by a résumé of the evidence submitted to the board sufficiently full to show the character of the testimony on which such finding is based.) Dig. Opin. J. A. G., March, 1918.)

1667. *Rank of members of boards, and approval of report of by President.*—Each member of such board shall be superior in rank to the officer whose qualifications are to be inquired into, and if the report of such board be adverse to the continuance of any such officer and be approved by the President, such officer shall be discharged from the service at the discretion of the President with one month's pay and allowances. *Id.*

1668. *Pay, allowances, etc., of officers and enlisted men.*—All officers and enlisted men of the forces herein provided for other than the Regular Army shall be in all respects on the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades and length of service in the Regular Army.[1] *Sec. 10, id.*

(For the ensuing provisions of this section see paragraphs 695b and 695c, ante.)

1669. *Repealing clause.*—All laws and parts of laws in conflict with the provisions of this Act are hereby suspended during the period of this emergency. *Sec. 14, id.*

(For sections 11, 12, and 13 of this act see paragraphs 938½a, 1295a–1295f, ante.)

[1] Drafted men who are exempted after their arrival at the mobilization camp are entitled to receive pay for the time spent after their order to the camp until their discharge and, in addition thereto, an amount equal to 3½ cents per mile from the mobilization camp to the place from which they were ordered to said camp. (War Dept. Bull. 67, Nov. 30, 1917.)

CHAPTER XLIII.

FOREIGN RELATIONS.[1]

	Par.
Disturbance of foreign relations	1670–1674
Untrue statements, etc., to influence conduct of foreign government, etc., to injury of United States, etc., punishment	1670
Same—Falsely assuming or pretending to be diplomatic or consular officer, etc., of foreign government, punishment	1671
Same—Acting as agent of foreign government without notice to Secretary of Sate, punishment	1672
Same—"Foreign government" defined	1673
Same—Conspiracy to injure or destroy property of foreign government within United States, etc., punishment	1674
Passports	1675–1678
Application for, contents, fees	1675
Same—False statements in application for; use, etc., of passport obtained through false statement, punishment	1676
Same—Use, etc., of passport issued, etc., for another, or in violation of its conditions, etc.; furnishing, etc., passport for use by person other than person for whom originally issued, etc., punishment	1677
Same—False making, forging, etc., punishment	1678

DISTURBANCE OF FOREIGN RELATIONS.

1670. *Untrue statements, etc., to influence conduct of foreign government, etc., to injury of United States, etc., punishment.*—Whoever, in relation to any dispute or controversy between a foreign government and the United States, shall willfully and knowingly make any untrue statement, either orally or in writing, under oath before any person authorized and empowered to administer oaths, which the affiant has knowledge or reason to believe will, or may be used to influence the measures or conduct of any foreign government, or of any officer or agent of any foreign government, to the injury of the United States, or with a view or intent to influence any measure of or action by the Government of the United States, or

[1] See also chapter entitled "Public Property," Espionage; and chapter entitled "The Employment of Military Force." Neutrality and Trading With the Enemy.

any branch thereof, to the injury of the United States, shall be fined not more than $5,000 or imprisoned not more than five years, or both. *Title VIII, Sec. 1, Act of June 15, 1917 (40 Stat. 226).*

1671. *Same—Falsely assuming or pretending to be diplomatic or consular officer, etc., of foreign government, punishment.*—Whoever within the jurisdiction of the United States shall falsely assume or pretend to be a diplomatic or consular, or other official of a foreign government duly accredited as such to the Government of the United States with intent to defraud such foreign government or any person, and shall take upon himself to act as such, or in such pretended character shall demand or obtain, or attempt to obtain from any person or from said foreign government, or from any officer thereof, any money, paper, document, or other thing of value, shall be fined not more than $5,000, or imprisoned not more than five years, or both. *Sec. 2, id.*

1672. *Same—Acting as agent of foreign government without notice to Secretary of State, punishment.*—Whoever, other than a diplomatic or consular officer or attaché, shall act in the United States as an agent of a foreign government without prior notification to the Secretary of State, shall be fined not more than $5,000, or imprisoned not more than five years, or both. *Sec. 3, id.*

1673. *Same—"Foreign government" defined.*—The words "foreign government," as used in this Act and in sections [1] one hundred and fifty-six, one hundred and fifty-seven, one hundred and sixty-one, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, and two hundred and twenty of the Act of March fourth, nineteen hundred and nine, entitled "An Act to codify, revise, and amend the penal laws of the United States," shall be deemed to include any Government, faction, or body of insurgents within a country with which the United States is at peace, which Government, faction, or body of insurgents may or may not have been recognized by the United States as a Government. *Sec. 4, id.*

1674. *Same—Conspiracy to injure or destroy property of foreign government within United States, etc., punishment.*—If two or more persons within the jurisdiction of the United States conspire to injure or destroy specific property situated within a foreign country and belonging to a foreign Government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, or other public utility so situated, and if one or more of such persons commits an act within the jurisdiction of the United States to effect the object of the conspiracy, each of the parties to the

[1] See 35 Stat. 1117, 1118, 1120, 1121, and 1132. These sections of the Federal Penal Code [illegible] the counterfeiting and uttering of foreign securities and notes of fo[illegible]feiting foreign coins and stamps, etc.

conspiracy shall be fined not more than $5,000, or imprisoned not more than three years, or both. Any indictment or information under this section shall describe the specific property which it was the object of the conspiracy to injure or destroy. *Sec. 5, id.*

(For general provisions of this act applicable to this title, see paragraphs 1475q-1475t.)

PASSPORTS.

1675. *Application for, contents, fees.*—Before a passport is issued to any person by or under authority of the United States such person shall subscribe to and submit a written application duly verified by his oath before a person authorized and empowered to administer oaths, which said application shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport. Clerks of United States courts, agents of the Department of State, or other Federal officials authorized, or who may be authorized, to take passport applications and administer oaths thereon, shall collect, for all services in connection therewith, a fee of $1, and no more, in lieu of all fees prescribed by any statute of the United States, whether the application is executed singly, in duplicate, or in triplicate. *Title IX, Sec. 1, id., 227.*

1676. *Same—False statements in application for; use, etc., of passport obtained through false statement, punishment.*—Whoever shall willfully and knowingly make any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws, or whoever shall willfully and knowingly use or attempt to use, or furnish to another for use, any passport the issue of which was secured in any way by reason of any false statement, shall be fined not more than $2,000 or imprisoned not more than five years or both. *Sec. 2, id.*

1677. *Same—Use, etc., of passport issued, etc., for another, or in violation of its conditions, etc.; furnishing, etc., passport for use by person other than person for whom originally issued, etc., punishment.*—Whoever shall willfully and knowingly use, or attempt to use, any passport issued or designed for the use of another than himself, or whoever shall willfully and knowingly use or attempt to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports, which said rules shall be printed on the passport; or whoever shall willfully and knowingly furnish, dispose of, or deliver a passport to any person, for use by another than the person for whose use it was originally issued and designed, shall be fined

not more than $2,000 or imprisoned not more than five years, or both. *Sec. 3, id.*

1678. *Same—False making, forging, etc., punishment.*—Whoever shall falsely make, forge, counterfeit, mutilate, or alter, or cause or procure to be falsely made, forged, counterfeited, mutilated, or altered any passport or instrument purporting to be a passport, with intent to use the same, or with intent that the same may be used by another; or whoever shall willfully or knowingly use, or attempt to use, or furnish to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same, shall be fined not more than $2,000 or imprisoned not more than five years, or both. *Sec. 4, id.*

(For general provisions of this act applicable to this title, see paragraphs 1475q-1475t.)

CHAPTER XLIV.

CONSERVATION OF SUPPLY AND CONTROL OF DISTRIBUTION OF FOOD AND FUEL.

	Par.
Authority, etc., conferred for	1679
Same—Rules and regulations by President	1680
Same—Use of agencies and services of persons without compensation	1681
Same—Pecuniary interest of agents or employees in contracts, etc., forbidden	1682
Same—Recommendations of agents or employees as to contracts, etc., forbidden	1683
Same—Punishment; law forbidding agent of corporation, etc., to act as agent of United States not repealed	1684
Destroying, wasting, or monopolizing necessaries; unfair discriminations, etc., or unjust charges, etc.; conspiracies, etc., to limit facilities for transportation, distribution, manufacture, etc.; or exact excessive prices therefor	1685
License to import, manufacture, etc., necessaries	1686
Same—Issue of licenses, regulations for	1687
Unjust, unreasonable, etc., storage charges, commissions, profits, or practices	1688
Same—President to find what constitutes just, reasonable, etc., storage charges, etc	1689
Carrying on business without license or after its revocation or suspension, punishment	1690
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Same—Retailers defined	1692
Hoarding necessaries, punishment	1693
Same—Hoarding defined	1694
Same—Transactions of exchanges, boards of trades, etc., excepted	1695
Same—Accumulating and withholding farm and garden products, etc., by farmers, etc., not hoarding	1696
Hoarding necessaries, seizure by libel, jurisdiction and sale of necessaries seized	1697
Same—Procedure	1698
Same—Duties of district attorneys	1699
Destroying necessaries to enhance price, punishment	1700
Conspiring to limit facilities for transporting, etc., necessaries, etc., punishment	1701
Requisition of food, etc., for Army or Navy or public use connected with public defense	1702
Same—Determination of value and payment therefor	1703
Same—Necessaries required by natural persons for consumption and seed for cultivating land excepted	1704
Purchase, etc., and sale of wheat, flour, meal, beans, and potatoes by President	1705
Same—Minimum price therefor	1706
Same—Disposition of moneys received from sales	1707

	Par.
Requisition and operation by President of factories, packing houses, oil pipe lines, mines, etc., to procure necessities for support of Army or Navy for national defense	1708
Same—Restoration of factories, etc., to owners	1709
Same—Compensation for property, etc., requisitioned	1710
Same—Determination of value of property, etc., requisitioned	1711
Regulations by President for carrying out provisions of section	1712
Disposition of moneys received from operation, etc., of factories, etc	1713
Regulations by President to prevent "evil practices"	1714
Same—Scope of such regulations	1715
Same—Records and returns of clearing houses, clearing associations, etc	1716
Punishment for violation of such regulations	1717
Stimulation of the production of wheat	1718
Same—Determination and fixing of reasonable guaranteed prices for wheat	1719
Same—Regulations in connection with guaranteed prices	1720
Same—Minimum of guaranteed price made absolute	1721
Levy of duty on imported wheat to maintain stability of guaranteed prices	1721a
Purchase by United States of wheat for which price has been guaranteed, and sale, etc., of wheat so bought	1722
Same—Disposition of moneys received from such sale	1723
Foods, fruits, etc., not to be used in production of distilled spirits for beverage purposes	1724
Use of food, etc., for production of distilled spirits for other than beverage purposes	1725
Importation of distilled spirits prohibited	1726
Restrictions on use of food, etc., for production of malt or vinous liquors for beverage purposes	1727
Same—Notice of restrictions	1728
Violation of section, punishment	1729
Manufacture of vinous or malt liquors in prohibition territory not permitted by section	1730
Taking over by Government of distilled spirits in bond or in stock	1731
Same—Payment therefor, determination of value	1732
Interference, etc., with officers, etc., of United States in performance of duties authorized by act, punishment	1733
Appropriation for rent, printing, payment of employees, etc	1734
Appropriation for other uses made necessary by act	1735
Same—Monthly statement of disbursements to be filed with Secretary of Senate and Clerk of House	1736
Persons employed under act not exempt from military service under draft law	1737
Annual report to Congress of proceedings under act	1738
Same—Contents of report	1739
Partial invalidity of act not to affect other portions	1740
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Same—Act, etc., of official, etc., of partnership, etc., deemed act, etc., of such partnership, etc	1742
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Same—Terminations of operative effect of act not to affect acts done or rights, etc., accrued or offenses committed prior thereto	1744
Fixing price of coal and coke, regulation of production, sale, etc., of, and agency for exercising authority in connection with	1745

	Par.
Same—Taking over plants, etc., on failure to conform to price regulations, and operations of same by Government	1746
Payment of compensation to owners of plants, etc., requisitioned	1747
Same—Determination of value, method of	1748
Regulations for operation of plants, etc., requisitioned	1749
Purchase by Government of coal and coke, and sale thereof; regulations therefor	1750
Notice to owners of purchase of output who are to cease shipments and sales on their own account thereafter	1751
Payment for coal and coke purchased by Government, determination of value	1752
Prices for sale of coal and coke purchased by Government	1753
Disposition of moneys received from sales	1754
Federal Trade Commission to inquire into cost of production of coal and coke	1755
Same—Books, papers, etc., of mine operators, etc., to be produced, and data and information to be furnished	1756
Same—Fixing and publishing maximum prices for producers and dealers	1757
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Violation of sections, punishment	1761
Right of United States or other Governments at war with Germany to purchase, etc., coal and coke at prices to be agreed upon not affected	1762
Storing, holding, destroying, etc., food, fuel, etc., to limit supply, etc., punishment	1763
Same—Persons excepted	1764
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Acquisition by United States of stocks of nitrate of soda for increasing agricultural production, and sale thereof	1767
Same—Appropriation for, regulation and agencies as to	1768
Same—Disposition of moneys received from sales	1769

CONSERVATION OF SUPPLY AND CONTROL OF DISTRIBUTION OF FOOD AND FUEL.

1679. *Authority, etc., conferred for.*—By reason of the existence of a state of war, it is essential to the national security and defense, for the successful prosecution of the war, and for the support and maintenance of the Army and Navy, to assure an adequate supply and equitable distribution, and to facilitate the movement, of foods, feeds, fuel including fuel oil and natural gas, and fertilizer and fertilizer ingredients, tools, utensils, implements, machinery, and equipment required for the actual production of foods, feeds, and fuel, hereafter in this Act called necessaries; to prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, manipulations, and private controls, affecting such supply, distribution, and movement; and to establish and maintain governmental control of such necessaries during the war. For such purposes the instrumentalities, means, methods, powers, authorities, duties, obligations, and

prohibitions hereinafter set forth are created, established, conferred, and prescribed. *Sec. 1, Act of Aug. 10, 1917 (40 Stat., 276).*

1680. *Same—Rules and regulations by President.*—The President is authorized to make such regulations and to issue such orders as are essential effectively to carry out the provisions of this Act. *Id.*

1681. *Same—Use of agencies and services of persons without compensation.*—In carrying out the purposes of this Act the President is authorized to enter into any voluntary arrangements or agreements, to create and use any agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss or duplication of effort or funds. *Sec. 2, Id.*

1682. *Same—Pecuniary interest of agents or employees in contracts, etc., forbidden.*—No person acting either as a voluntary or paid agent or employee of the United States in any capacity, including an advisory capacity, shall solicit, induce, or attempt to induce any person or officer authorized to execute or to direct the execution of contracts on behalf of the United States to make any contract or give any order for the furnishing to the United States of work, labor, or services, or of materials, supplies, or other property of any kind or character, if such agent or employee has any pecuniary interest in such contract or order, or if he or any firm of which he is a member, or corporation, joint-stock company, or association of which he is an officer or stockholder, or in the pecuniary profits of which he is directly or indirectly interested, shall be a party thereto.[1] *Sec. 3, id.*

1683. *Same—Recommendations of agents or employees as to contracts, etc., forbidden.*—Nor shall any agent or employee make, or permit any committee or other body of which he is a member to make, or participate in making, any recommendation concerning such contract or order to any council, board, or commission of the United States, or any member or subordinate thereof, without making to the best of his knowledge and belief a full and complete disclosure in writing to such council, board, commission, or subordinate of any and every pecuniary interest which he may have in such contract or order and of his interest in any firm, corporation, company, or asso-

[1] Under present statutory provisions (sec. 41 of Criminal Code; sec. 3 of act of Aug. 10, 1917) and Army Regulations (par. 521), an officer or employee in the military service is prohibited from acting as an officer or agent of the Government in making any contract or placing any order with a firm or corporation in which he may have a pecuniary interest, and from inducing or advising any authorized officer to make a contract or place an order with such firm or corporation. Otherwise, there is no objection to an officer or employee in the military service entering into contractual relations with the Government or owning an interest in a firm or corporation which enters into contracts with the Government. (War. Dept. Bull. 75, Dec 31, 1917.)

ciation being a party thereto. Nor shall he participate in the awarding of such contract or giving such order. *Id., 277.*

1684. *Same—Punishment; law forbidding agent of corporation, etc., to act as agent of United States not repealed.*—Any willful violation of any of the provisions of this section shall be punishable by a fine of not more than $10,000, or by imprisonment of not more than five years, or both: *Provided*, That the provisions of this section shall not change, alter or repeal section forty-one of chapter three hundred and twenty-one, Thirty-fifth Statutes at Large.[1] *Id.*

1685. *Destroying, wasting, or monopolizing necessaries; unfair discriminations, etc., or unjust charges, etc.; conspiracies, etc., to limit facilities for transportation, distribution, manufacture, etc.; or exact excessive prices therefor.*—It is hereby made unlawful for any person willfully to destroy any necessaries for the purpose of enhancing the price or restricting the supply thereof; knowingly to commit waste or willfully to permit preventable deterioration of any necessaries in or in connection with their production, manufacture, or distribution; to hoard, as defined in section six of this Act, any necessaries; to monopolize or attempt to monopolize, either locally or generally, any necessaries; to engage in any discriminatory and unfair, or any deceptive or wasteful practice or device, or to make any unjust or unreasonable rate or charge, in handling or dealing in or with any necessaries; to conspire, combine, agree, or arrange with any other person, (a) to limit the facilities for transporting, producing, harvesting, manufacturing, supplying, storing, or dealing in any necessaries; (b) to restrict the supply of any necessaries; (c) to restrict distribution of any necessaries; (d) to prevent, limit, or lessen the manufacture or production of any necessaries in order to enhance the price thereof, or (e) to exact excessive prices for any necessaries; or to aid or abet the doing of any act made unlawful by this section. *Sec. 4, id.*

1686. *Licenses to import, manufacture, etc., necessaries.*—From time to time, whenever the President shall find it essential to license the importation, manufacture, storage, mining, or distribution of any necessaries, in order to carry into effect any of the purposes of this Act, and shall publicly so announce, no person shall, after a date fixed in the announcement, engage in or carry on any such business specified in the announcement of importation, manufacture, storage, mining, or distribution of any necessaries as set forth in such announcement, unless he shall secure and hold a license issued pursuant to this section. *Sec. 5, id.*

1687. *Same—Issue of licenses; regulations for.*—The President is authorized to issue such licenses and to prescribe regulations for the

[1] Sec. 41, Criminal Code, see par. 1250, ante, or 35 Stat., 1097.

issuance of licenses and requirements for systems of accounts and auditing of accounts to be kept by licensees, submission of reports by them, with or without oath or affirmation, and the entry and inspection by the President's duly authorized agents of the places of business of licensees. *Id.*

1688. *Unjust, unreasonable, etc., storage charges, commissions, profits, or practices.*—Whenever the President shall find that any storage charge, commission, profit, or practice of any licensee is unjust, or unreasonable, or discriminatory and unfair, or wasteful, and shall order such licensee, within a reasonable time fixed in the order, to discontinue the same, unless such order, which shall recite the facts found, is revoked or suspended, such licensee shall, within the time prescribed in the order, discontinue such unjust, unreasonable, discriminatory and unfair storage charge, commission, profit, or practice. *Id.*

1689. *Same—President to find what constitutes just, reasonable, etc., storage charges, etc.*—The President may, in lieu of any such unjust, unreasonable, discriminatory, and unfair storage charge, commission, profit, or practice, find what is a just, reasonable, nondiscriminatory and fair storage charge, commission, profit, or practice, and in any proceeding brought in any court such order of the President shall be prima facie evidence. *Id., 278.*

1690. *Carrying on business without license or after its revocation or suspension, punishment.*—Any person who, without a license issued pursuant to this section, or whose license shall have been revoked, knowingly engages in or carries on any business for which a license is required under this section, or willfully fails or refuses to discontinue any unjust, unreasonable, discriminatory and unfair storage charge, commission, profit, or practice, in accordance with the requirement of an order issued under this section, or any regulation prescribed under this section, shall, upon conviction thereof, be punished by a fine not exceeding $5,000, or by imprisonment for not more than two years, or both. *Id.*

1691. *Same—Persons excepted.*—This section shall not apply to any farmer, gardener, cooperative association of farmers or gardeners, including live-stock farmers, or other persons with respect to the products of any farm, garden, or other land owned, leased, or cultivated by him, nor to any retailer with respect to the retail business actually conducted by him, nor to any common carrier, nor shall anything in this section be construed to authorize the fixing or imposition of a duty or tax upon any article imported into or exported from the United States or any State, Territory, or the District of Columbia. *Id.*

1692. *Same—Retailers defined.*—For the purposes of this Act a retailer shall be deemed to be a person, copartnership, firm, corpora-

tion, or association not engaging in the wholesale business whose gross sales do not exceed $100,000 per annum. *Id.*

1693. *Hoarding necessaries, punishment.*—Any person who willfully hoards any necessaries shall upon conviction thereof be fined not exceeding $5,000 or be imprisoned for not more than two years, or both. *Sec. 6, id.*

1694. *Same—Hoarding defined.*—Necessaries shall be deemed to be hoarded within the meaning of this Act when either (a) held, contracted for, or arranged for by any person in a quantity in excess of his reasonable requirements for use or consumption by himself and dependents for a reasonable time; (b) held, contracted for, or arranged for by any manufacturer, wholesaler, retailer, or other dealer in a quantity in excess of the reasonable requirements of his business for use or sale by him for a reasonable time, or reasonably required to furnish necessaries produced in surplus quantities seasonally throughout the period of scant or no production; or (c) withheld, whether by possession or under any contract or arrangement, from the market by any person for the purpose of unreasonably increasing or diminishing the price. *Id.*

1695. *Same—Transactions of exchange, boards of trade, etc., excepted.*—This section shall not include or relate to transactions on any exchange, board of trade, or similar institution or place of business as described in section thirteen of this Act that may be permitted by the President under the authority conferred upon him by said section thirteen.[1] *Id.*

1696. *Same—Accumulating and withholding farm and garden products, etc., by farmers, etc., not hoarding.*—Any accumulating or withholding by any farmer or gardener, cooperative association of farmers or gardeners, including live-stock farmers, or any other person, of the products of any farm, garden, or other land owned, leased, or cultivated by him shall not be deemed to be hoarding within the meaning of this Act. *Id.*

1697. *Hoarding necessaries, seizure by libel, jurisdiction, and sale of necessaries seized.*—Whenever any necessaries shall be hoarded as defined in section six they shall be liable to be proceeded against in any district court of the United States within the district where the same are found and seized by a process of libel for condemnation, and if such necessaries shall be adjudged to be hoarded they shall be disposed of by sale in such manner as to provide the most equitable distribution thereof as the court may direct, and the proceeds thereof, less the legal costs and charges, shall be paid to the party entitled thereto. *Sec. 7, id.*

1698. *Same—Procedure.*—The proceedings of such libel cases shall conform as near as may be to the proceedings in admiralty, except

[1] See paragraphs 1714–1717, post.

that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States. *Id., 279.*

1699. *Same—Duties of district attorneys.*—It shall be the duty of the United States attorney for the proper district to institute and prosecute any such action upon presentation to him of satisfactory evidence to sustain the same. *Id.*

1700. *Destroying necessaries to enhance price, punishment.*—Any person who willfully destroys any necessaries for the purpose of enhancing the price or restricting the supply thereof shall, upon conviction thereof, be fined not exceeding $5,000 or imprisoned for not more than two years, or both. *Sec. 8, id.*

1701. *Conspiring to limit facilities for transporting, etc., necessaries, etc., punishment.*—Any person who conspires, combines, agrees, or arranges with any other person (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries; (b) to restrict the supply of any necessaries; (c) to restrict the distribution of any necessaries; (d) to prevent, limit, or lessen the manufacture or production of any necessaries in order to enhance the price thereof shall, upon conviction thereof, be fined not exceeding $10,000 or be imprisoned for not more than two years, or both. *Sec. 9, id.*

1702. *Requisition of food, etc., for Army or Navy or public use connected with public defense.*—The President is authorized, from time to time, to requisition foods, feeds, fuels, and other supplies necessary to the support of the Army or the maintenance of the Navy, or any other public use connected with the common defense, and to requisition, or otherwise provide, storage facilities for such supplies; and he shall ascertain and pay a just compensation therefor. *Sec. 10, id.*

1703. *Same—Determination of value and payment therefor.*—If the compensation so determined be not satisfactory to the person entitled to receive the same, such person shall be paid seventy-five per centum of the amount so determined by the President, and shall be entitled to sue the United States to recover such further sum as, added to said seventy-five per centum will make up such amount as will be just compensation for such necessaries or storage space, and jurisdiction is hereby conferred on the United States District Courts to hear and determine all such controversies. *Id.*

1704. *Same—Necessaries required by natural persons for consumption and seed for cultivating lands excepted.*—Nothing in this section, or in the section that follows, shall be construed to require any natural person to furnish to the Government any necessaries held by him and reasonably required for consumption or use by himself and dependents, nor shall any person, firm, corporation, or association

be required to furnish to the Government any seed necessary for the seeding of land owned, leased, or cultivated by them. *Id.*

1705. *Purchase, etc., and sale of wheat, flour, meal, beans, and potatoes by President.*—The President is authorized from time to time to purchase, to store, to provide storage facilities for, and to sell for cash at reasonable prices, wheat, flour, meal, beans, and potatoes. *Sec. 11, id.*

1706. *Same—Minimum price therefor.*—If any minimum price shall have been theretofore fixed, pursuant to the provisions of section fourteen of this Act, then the price paid for any such articles so purchased shall not be less than such minimum price. *Id.*

1707. *Same—Disposition of moneys received from sales.*—Any moneys received by the United States from or in connection with the disposal by the United States of necessaries under this section may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts. *Id.*

1708. *Requisition and operation by President of factories, packing houses, oil pipe lines, mines, etc., to procure necessities for support of Army or Navy or common defense.*—Whenever the President shall find it necessary to secure an adequate supply of necessaries for the support of the Army or the maintenance of the Navy, or for any other public use connected with the common defense, he is authorized to requisition and take over, for use or operation by the Government, any factory, packing house, oil pipe line, mine, or other plant, or any part thereof, in or through which any necessaries are or may be manufactured, produced, prepared, or mined, and to operate the same. *Sec. 12, id.*

1709. *Same—Restoration of factories, etc., to owners.*—Whenever the President shall determine that the further use or operation by the Government of any such factory, mine, or plant, or part thereof, is not essential for the national security or defense, the same shall be restored to the person entitled to the possession thereof. *Id., 280.*

1710. *Same—Compensation for the property, etc., requisitioned.*—The United States shall make just compensation, to be determined by the President, for the taking over, use, occupation, and operation by the Government of any such factory, mine, or plant, or part thereof. *Id.*

1711. *Same—Determination of value of property, etc., requisitioned.*—If the compensation so determined be unsatisfactory to the person entitled to receive the same, such person shall be paid seventy-five per centum of the amount so determined by the President, and shall be entitled to sue the United States to recover such further sum as, added to said seventy-five per centum, will make up such

amount as will be just compensation, in the manner provided by section twenty-four, paragraph twenty, and section one hundred and forty-five of the Judicial Code.[1] *Id.*

1712. *Regulations by President for carrying out provisions of section.*—The President is authorized to prescribe such regulations as he may deem essential for carrying out the purposes of this section, including the operation of any such factory, mine, or plant, or part thereof, the purchase, sale, or other disposition of articles used, manufactured, produced, prepared, or mined therein, and the employment, control, and compensation of employees. *Id.*

1713. *Disposition of moneys received from operation, etc., of facries, etc.*—Any moneys received by the United States from or in connection with the use or operation of any such factory, mine, or plant, or part thereof, may, in the discretion of the President, be used as a revolving fund for the purpose of the continued use or operation of any such factory, mine, or plant, or part thereof, and the accounts of each such factory, mine, plant, or part thereof, shall be kept separate and distinct. Any balance of such money not used as part of such revolving fund shall be paid into the Treasury as miscellaneous receipts. *Id.*

1714. *Regulations by President to prevent "evil practices."*—Whenever the President finds it essential in order to prevent undue enhancement, depression, or fluctuation of prices of, or in order to prevent injurious speculation in, or in order to prevent unjust market manipulation or unfair and misleading market quotations of the prices of necessaries, hereafter in this section called evil practices, he is authorized to prescribe such regulations governing, or may either wholly or partly prohibit, operations, practices, and transactions at, on, in, or under the rules of any exchange, board of trade, or similar institution or place of business as he may find essential in order to prevent, correct, or remove such evil practices. *Sec. 13, id.*

1715. *Same—Scope of such regulations.*—Such regulations may require all persons coming within their provisions to keep such records and statements of account, and may require such persons to make such returns, verified under oath or otherwise, as will fully and correctly disclose all transactions at, in, or on, or under the rules of any such exchange, board of trade, or similar institution or place of business, including the making, execution, settlement, and fulfillment thereof. *Id.*

1716. *Same—Records and returns of clearing houses, clearing associations, etc.*—He may also require all persons acting in the capacity of a clearing house, clearing association, or similar institution, for the purpose of clearing, settling, or adjusting transactions at, in, or

[1] See paragraphs 278 and 277, ante, or 36 Stat. 1093, 1136.

1756. *Same—Books, papers, etc., of mine operators, etc., to be produced, and data and information to be furnished.*—The books, correspondence, records, and papers in any way referring to transactions of any kind relating to the mining, production, sale, or distribution of all mine operators or other persons whose coal and coke have or may become subject to this section, and the books, correspondence, records, and papers of any person applying for the purchase of coal and coke from the United States shall at all times be subject to inspection by the said agency, and such person or persons shall promptly furnish said agency any data or information relating to the business of such person or persons which said agency may call for, and said agency is hereby authorized to procure the information in reference to the business of such coal-mine operators and producers of coke and customers therefor in the manner provided for in sections six and nine[1] of the Act of Congress approved September twenty-sixth, nineteen hundred and fourteen, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," and said agency is hereby authorized and empowered to exercise all the powers granted to the Federal Trade Commission by said Act for the carrying out of the purposes of this section. *Id.*

1757. *Same—Fixing and publishing maximum prices for producers and dealers.*—Having completed its inquiry respecting any commodity in any locality, it shall, if the President has decided to fix the prices at which any such commodity shall be sold by producers and dealers generally, fix and publish maximum prices for both producers of and dealers in any such commodity, which maximum prices shall be observed by all producers and dealers until further action thereon is taken by the commission. *Id., 286.*

1758. *Same—Determining maximum price for producers.*—In fixing maximum prices for producers the commission shall allow the cost of production, including the expense of operation, maintenance, depreciation, and depletion, and shall add thereto a just and reasonable profit. *Id.*

1759. *Same—Determining maximum price for dealers.*—In fixing such prices for dealers, the commission shall allow the cost to the dealer and shall add thereto a just and reasonable sum for his profit in the transaction. *Id.*

1760. *Same—Prior contracts made in good faith not to be affected.*—The maximum prices so fixed and published shall not be construed as invalidating any contract in which prices are fixed, made in good faith, prior to the establishment and publication of maximum prices by the commission. *Id.*

[1] See 38 Stat., 721, 722.

which any such producer shall be entitled to the benefits of such guaranty. *Id.*

1721. *Same—Minimum of guaranteed price made absolute.*—The guaranteed prices for the several standard grades of wheat for the crop of nineteen hundred and eighteen, shall be based upon number one northern spring or its equivalent at not less than $2 per bushel at the principal interior primary markets. This guaranty shall not be dependent upon the action of the President under the first part of this section, but is hereby made absolute and shall be binding until May first, nineteen hundred and nineteen. *Id.*

1721a. *Levy of duty on imported wheat to maintain stability of guaranteed price.*—When the President finds that the importation into the United States of any wheat produced outside of the United States materially enhances or is likely materially to enhance the liabilities of the United States under guaranties of prices therefor made pursuant to this section, and ascertains what rate of duty, added to the then existing rate of duty on wheat and to the value of wheat at the time of importation, would be sufficient to bring the price thereof at which imported up to the price fixed therefor pursuant to the foregoing provisions of this section, he shall proclaim such facts, and thereafter there shall be levied, collected, and paid upon wheat when imported in addition to the then existing rate of duty, the rate of duty so ascertained; but in no case shall any such rate of duty be fixed at an amount which will effect a reduction of the rate of duty upon wheat under any then existing tariff law of the United States. *Id.*

1722. *Purchase by United States of wheat for which price has been guaranteed, and sale, etc., of wheat so bought.*—For the purpose of making any guaranteed price effective under this section, or whenever he deems it essential in order to protect the Government of the United States against material enhancement of its liabilities arising out of any guaranty under this section, the President is authorized also, in his discretion, to purchase any wheat for which a guaranteed price shall be fixed under this section, and to hold, transport, or store it, or to sell, dispose of, and deliver the same to any citizen of the United States or to any Government engaged in war with any country with which the Government of the United States is or may be at war or to use the same as supplies for any department or agency of the Government of the United States. *Id.*

1723. *Same—Disposition of moneys received from such sale.*—Any moneys received by the United States from or in connection with the sale or disposal of wheat under this section may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any balance of such moneys not used

as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts. *Id.*

1724. *Foods, fruits, etc., not to be used in production of distilled spirits for beverage purposes.*—From and after thirty days from the date of the approval of this Act no foods, fruits, food materials, or feeds shall be used in the production of distilled spirits for beverage purposes. *Sec. 15, id.*

1725. *Use of food, etc., for production of distilled spirits for other than beverage purposes.*—Under such rules, regulations, and bonds as the President may prescribe, such materials may be used in the production of distilled spirits exclusively for other than beverage purposes, or for the fortification of pure sweet wines as defined by the Act entitled "An Act to increase the revenue, and for other purposes." approved September eighth, nineteen hundred and sixteen.[1] *Id.*

1726. *Importation of distilled spirits prohibited.*—Nor shall there be imported into the United States any distilled spirits. *Id.*

1727. *Restrictions on use of food, etc., for production of malt or vinous liquors for beverage purposes.*—Whenever the President shall find that limitation, regulation, or prohibition of the use of foods, fruits, food materials, or feeds in the production of malt or vinous liquors for beverage purposes, or that reduction of the alcoholic content of any such malt or vinous liquor, is essential, in order to assure an adequate and continuous supply of food, or that the national security and defense will be subserved thereby, he is authorized, from time to time, to prescribe and give public notice of the extent of the limitation, regulation, prohibition, or reduction so necessitated. *Id.*

1728. *Same—Notice of restrictions.*—Whenever such notice shall have been given and shall remain unrevoked no person shall, after a reasonable time prescribed in such notice, use any foods, fruits, food materials, or feeds in the production of malt or vinous liquors, or import any such liquors except under license issued by the President and in compliance with rules and regulations determined by him governing the production and importation of such liquors and the alcoholic content thereof. *Id.*

1729. *Violation of section, punishment.*—Any person who willfully violates the provisions of this section, or who shall use any foods, fruits, food materials, or feeds in the production of malt or vinous liquors, or who shall import any such liquors, without first obtaining a license so to do when a license is required under this section, or who shall violate any rule or regulation made under this section, shall be punished by a fine not exceeding $5,000, or by imprisonment for not more than two years, or both. *Id.*

[1] 39 Stat. 785.

1730. *Manufacture of vinous or malt liquors in prohibition territory not permitted by section.*—Nothing in this section shall be construed to authorize the licensing of the manufacture of vinous or malt liquors in any State, Territory, or the District of Columbia, or any civil subdivision thereof, where the manufacture of such vinous or malt liquor is prohibited. *Id.*

1731. *Taking over by Government of distilled spirits in bond or in stock.*—The President is authorized and directed to commandeer any or all distilled spirits in bond or in stock at the date of the approval of this Act for redistillation, in so far as such redistillation may be necessary to meet the requirements of the Government in the manufacture of munitions and other military and hospital supplies, or in so far as such redistillation would dispense with the necessity of utilizing products and materials suitable for foods and feeds in the future manufacture of distilled spirits for the purposes herein enumerated. *Sec. 16, id.*

1732. *Same—Payment therefor, determination of value.*—The President shall determine and pay a just compensation for the distilled spirits so commandeered; and if the compensation so determined be not satisfactory to the person entitled to receive the same, such person shall be paid seventy-five per centum of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as, added to said seventy-five per centum, will make up such amount as will be just compensation for such spirits, in the manner provided by section twenty-four, paragraph twenty, and section one hundred and forty-five of the Judicial Code.[1] *Id.*

1733. *Interference, etc., with officers, etc., of United States in performance of duties authorized by act, punishment.*—Every person who willfully assaults, resists, impedes, or interferes with any officer, employee, or agent of the United States in the execution of any duty authorized to be performed by or pursuant to this Act shall upon conviction thereof be fined not exceeding $1,000 or be imprisoned for not more than one year, or both. *Sec. 17, id.*

1734. *Appropriation for rent, printing, payment of employees, etc.*—The sum of $2,500,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available until June thirtieth, nineteen hundred and eighteen, for the payment of such rent, the expense, including postage, of such printing and publications, the purchase of such material and equipment, and the employment of such persons and means, in the city of Washington and elsewhere, as the President may deem essential. *Sec. 18, id.*

1735. *Appropriation for other uses made necessary by act.*—For the purposes of this Act the sum of $150,000,000 is hereby appro-

[1] See paragraphs 278 and 277, ante, or 35 Stat. 1093, 1136.

priated, out of any moneys in the Treasury not otherwise appropriated, to be available during the time this Act is in effect: *Provided*, That no part of this appropriation shall be expended for the purposes described in the preceding section. *Sec. 19, id.*

1736. *Same—Monthly statement of disbursements to be filed with Secretary of Senate and Clerk of House.*—Itemized statements covering all purchases and disbursements under this and the preceding section shall be filed with the Secretary of the Senate and the Clerk of the House of Representatives on or before the twenty-fifth day of each month after the taking effect of this Act, covering the business of the preceding month, and said statements shall be subject to public inspection. *Id.*

1737. *Persons employed under act not exempt from military service under draft laws.*—The employment of any person under the provisions of this Act shall not exempt any such person from military service under the provisions of the selective draft law approved May eighteenth, nineteen hundred and seventeen. *Sec. 20, id.*

1738. *Annual report to Congress of proceedings under act.*—The President shall cause a detailed report to be made to the Congress on the first day of January each year of all proceedings had under this Act during the year preceding. *Sec. 21, id.*

1739. *Same—Contents of report.*—Such report shall, in addition to other matters, contain an account of all persons appointed or employed, the salary or compensation paid or allowed each, the aggregate amount of the different kinds of property purchased or requisitioned, the use and disposition made of such property, and a statement of all receipts, payments, and expenditures, together with a statement showing the general character, and estimated value of all property then on hand, and the aggregate amount and character of all claims against the United States growing out of this Act. *Id.*

1740. *Partial invalidity of act not to affect other portions.*—If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered. *Sec. 22, id.*

1741. *Words defined.*—Words used in this Act shall be construed to import the plural or the singular, as the case demands. The word "person," wherever used in this Act, shall include individuals, partnerships, associations, and corporations. *Sec. 23, id.*

1742. *Same—Act, etc., of official, etc., of partnership, etc., deemed act, etc., of such partnership, etc.*—When construing and enforcing the provisions of this Act, the act, omission, or failure of any official, agent, or other person acting for or employed by any partnership,

association, or corporation within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such partnership, association, or corporation as well as that of the person. *Id.*

1743. *Time when act ceases to be operative.*—The provisions of this Act shall cease to be in effect when the existing state of war between the United States and Germany shall have terminated, and the fact and date of such termination shall be ascertained and proclaimed by the President; but the termination of this Act shall not affect any act done, or any right or obligation accruing or accrued, or any suit or proceeding had or commenced in any civil case before the said termination pursuant to this Act; but all rights and liabilities under this Act arising before its termination shall continue and may be enforced in the same manner as if the Act had not terminated. *Sec. 24, id.*

1744. *Same—Termination of operative effect of act not to affect acts done or rights, etc., accrued or offenses committed prior thereto.*—Any offense committed and all penalties, forfeitures, or liabilities incurred prior to such termination may be prosecuted or punished in the same manner and with the same effect as if this Act had not been terminated. *Id, 284.*

1745. *Fixing price of coal and coke, regulation of production, sale, etc., of, and agency for exercising authority in connection with.*—The President of the United States shall be, and he is hereby, authorized and empowered, whenever and wherever in his judgment necessary for the efficient prosecution of the war, to fix the price of coal and coke, wherever and whenever sold, either by producer or dealer, to establish rules for the regulation of and to regulate the method of production, sale, shipment, distribution, apportionment, or storage thereof among dealers and consumers, domestic or foreign; said authority and power may be exercised by him in each case through the agency of the Federal Trade Commission during the war or for such part of said time as in his judgment may be necessary. *Sec. 25, id.*

1746. *Same—Taking over plants, etc., on failure to conform to price regulations, and operation of same by Government.*—If, in the opinion of the President, any such producer or dealer fails or neglects to conform to such prices or regulations, or to conduct his business efficiently under the regulations and control of the President as aforesaid, or conducts it in a manner prejudicial to the public interest, then the President is hereby authorized and empowered in every such case to requisition and take over the plant, business, and all appurtenances thereof belonging to such producer or dealer as a going concern, and to operate or cause the same to be operated in such manner and through such agency as he may direct during the period of the war

or for such part of said time as in his judgment may be necessary. *Id.*

1747. *Payment of compensation to owners of plants, etc., requisitioned.*—Any producer or dealer whose plant, business, and appurtenances shall have been requisitioned or taken over by the President shall be paid a just compensation for the use thereof during the period that the same may be requisitioned or taken over as aforesaid, which compensation the President shall fix or cause to be fixed by the Federal Trade Commission. *Id.*

1748. *Same—Determination of value, method of.*—If the prices so fixed, or if, in the case of the taking over or requisitioning of the mines or business of any such producer or dealer the compensation therefor as determined by the provisions of this Act be not satisfactory to the person or persons entitled to receive the same, such person shall be paid seventy-five per centum of the amount so determined, and shall be entitled to sue the United States to recover such further sum as, added to said seventy-five per centum, will make up such amount as will be just compensation in the manner provided by section twenty-four, paragraph twenty, and section one hundred and forty-five of the Judicial Code.[1] *Id.*

1749. *Regulations for operation of plants, etc., requisitioned.*—While operating or causing to be operated any such plants or business, the President is authorized to prescribe such regulations as he may deem essential for the employment, control, and compensation of the employees necessary to conduct the same. *Id.*

1750. *Purchase by Government of coal and coke, and sale thereof; regulations therefor.*—Or if the President of the United States shall be of the opinion that he can thereby better provide for the common defense, and whenever, in his judgment, it shall be necessary for the efficient prosecution of the war, then he is hereby authorized and empowered to require any or all producers of coal and coke, either in any special area or in any special coal fields, or in the entire United States, to sell their products only to the United States through an agency to be designated by the President, such agency to regulate the resale of such coal and coke, and the prices thereof, and to establish rules for the regulation of and to regulate the methods of production, shipment, distribution, apportionment, or storage thereof among dealers and consumers, domestic or foreign, and to make payment of the purchase price thereof to the producers thereof, or to the person or persons legally entitled to said payment. *Id.*

1751. *Notice to owners of purchase of output who are to cease shipments and sales on their own account thereafter.*—Within fifteen days after notice from the agency so designated to any producer of

[1] See paragraphs 278 and 277, ante, or 35 Stat. 1093, 1136.

coal and coke that his, or its, output is to be so purchased by the United States as hereinbefore described, such producer shall cease shipments of said product upon his own account and shall transmit to such agency all orders received and unfilled or partially unfilled, showing the exact extent to which shipments have been made thereon, and thereafter all shipments shall be made only on authority of the agency designated by the President, and thereafter no such producer shall sell any of said products except to the United States through such agency, and the said agency alone is hereby authorized and empowered to purchase during the continuance of the requirement the output of such producers. *Id., 285.*

1752. *Payment for coal and coke purchased by Government, determination of value.*—The prices to be paid for such products so purchased shall be based upon a fair and just profit over and above the cost of production, including proper maintenance and depletion charges, the reasonableness of such profits and cost of production to be determined by the Federal Trade Commission, and if the prices fixed by the said commission of any such product purchased by the United States as hereinbefore described be unsatisfactory to the person or persons entitled to the same, such person or persons shall be paid seventy-five per centum of the amount so determined, and shall be entitled to sue the United States to recover such further sum as, added to said seventy-five per centum, will make up such amount as will be just compensation in the manner provided by section twenty-four, paragraph twenty, and section one hundred and forty-five of the Judicial Code.[1] *Id.*

1753. *Prices for sale of coal and coke purchased by Government.*—All such products so sold to the United States shall be sold by the United States at such uniform prices, quality considered, as may be practicable and as may be determined by said agency to be just and fair. *Id.*

1754. *Disposition of moneys received from sales.*—Any moneys received by the United States for the sale of any such coal and coke may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any moneys not so used shall be covered into the Treasury as miscellaneous receipts. *Id.*

1755. *Federal Trade Commission to inquire into cost of production of coal and coke.*—When directed by the President, the Federal Trade Commission is hereby required to proceed to make full inquiry, giving such notice as it may deem practicable, into the cost of producing under reasonably efficient management at the various places of production the following commodities, to wit, coal and coke. *Id.*

[1] See paragraphs 278 and 277, ante, or 35 Stat. 1093, 1136.

1756. *Same—Books, papers, etc., of mine operators, etc., to be produced, and data and information to be furnished.*—The books, correspondence, records, and papers in any way referring to transactions of any kind relating to the mining, production, sale, or distribution of all mine operators or other persons whose coal and coke have or may become subject to this section, and the books, correspondence, records, and papers of any person applying for the purchase of coal and coke from the United States shall at all times be subject to inspection by the said agency, and such person or persons shall promptly furnish said agency any data or information relating to the business of such person or persons which said agency may call for, and said agency is hereby authorized to procure the information in reference to the business of such coal-mine operators and producers of coke and customers therefor in the manner provided for in sections six and nine[1] of the Act of Congress approved September twenty-sixth, nineteen hundred and fourteen, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," and said agency is hereby authorized and empowered to exercise all the powers granted to the Federal Trade Commission by said Act for the carrying out of the purposes of this section. *Id.*

1757. *Same—Fixing and publishing maximum prices for producers and dealers.*—Having completed its inquiry respecting any commodity in any locality, it shall, if the President has decided to fix the prices at which any such commodity shall be sold by producers and dealers generally, fix and publish maximum prices for both producers of and dealers in any such commodity, which maximum prices shall be observed by all producers and dealers until further action thereon is taken by the commission. *Id., 286.*

1758. *Same—Determining maximum price for producers.*—In fixing maximum prices for producers the commission shall allow the cost of production, including the expense of operation, maintenance, depreciation, and depletion, and shall add thereto a just and reasonable profit. *Id.*

1759. *Same—Determining maximum price for dealers.*—In fixing such prices for dealers, the commission shall allow the cost to the dealer and shall add thereto a just and reasonable sum for his profit in the transaction. *Id.*

1760. *Same—Prior contracts made in good faith not to be affected.*—The maximum prices so fixed and published shall not be construed as invalidating any contract in which prices are fixed, made in good faith, prior to the establishment and publication of maximum prices by the commission. *Id.*

[1] See 38 Stat., 721, 722.

1761. *Violation of sections, punishment.*—Whoever shall, with knowledge that the prices of any such commodity have been fixed as herein provided, ask, demand, or receive a higher price, or whoever shall, with knowledge that the regulations have been prescribed as herein provided, violate or refuse to conform to any of the same, shall, upon conviction, be punished by fine of not more than $5,000, or by imprisonment for not more than two years, or both. Each independent transaction shall constitute a separate offense. *Id.*

1762. *Right of United States or other Governments at war with Germany to purchase, etc., coal and coke at prices to be agreed upon not affected.*—Nothing in this section shall be construed as restricting or modifying in any manner the right the Government of the United States may have in its own behalf or in behalf of any other Government at war with Germany to purchase, requisition, or take over any such commodities for the equipment, maintenance, or support of armed forces at any price or upon any terms that may be agreed upon or otherwise lawfully determined. *Id.*

1763. *Storing, holding, destroying, etc., food, fuel, etc., to limit supply, etc., punishment.*—Any person carrying on or employed in commerce among the several States, or with foreign nations, or with or in the Territories or other possessions of the United States in any article suitable for human food, fuel, or other necessaries of life, who, either in his individual capacity or as an officer, agent, or employee of a corporation or member of a partnership carrying on or employed in such trade, shall store, acquire, or hold, or who shall destroy or make away with any such article for the purpose of limiting the supply thereof to the public or affecting the market price thereof in such commerce, whether temporarily or otherwise, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both. *Sec. 26, id.*

1764. *Same—Persons excepted.*—Any storing or holding by any farmer, gardner, or other person of the products of any farm, garden, or other land cultivated by him shall not be deemed to be a storing or holding within the meaning of this Act: *Provided further*, That farmers and fruit growers, cooperative and other exchanges, or societies of a similar character shall not be included within the provisions of this section. *Id.*

1765. *Same—Holdings or accumulations excepted.*—This section shall not be construed to prohibit the holding or accumulating of any such article by any such person in a quantity not in excess of the reasonable requirements of his business for a reasonable time or in a quantity reasonably required to furnish said articles produced in surplus quantities seasonally throughout the period of scant or no production. *Id.*

1766. *Unlawful restraints and monopolies act not repealed.*—Nothing contained in this section shall be construed to repeal the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July second, eighteen hundred and ninety, commonly known as the Sherman Antitrust Act.[1] *Id.*

1767. *Acquisition by United States of stocks of nitrate of soda for increasing agricultural production, and sale thereof.*—The President is authorized to procure, or aid in procuring, such stocks of nitrate of soda as he may determine to be necessary, and find available, for increasing agricultural production during the calendar years nineteen hundred and seventeen and eighteen, and to dispose of the same for cash at cost, including all expenses connected therewith. *Sec. 27, id., 387.*

1768. *Same—Appropriation for, regulation and agencies as to.*—For carrying out the purposes of this section, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available immediately and until expended, the sum of $10,000,000, or so much thereof as may be necessary, and the President is authorized to make such regulations, and to use such means and agencies of the Government, as, in his discretion, he may deem best. *Id.*

1769. *Same—Disposition of moneys received from sales.*—The proceeds arising from the disposition of the nitrate of soda shall go into the Treasury as miscellaneous receipts. *Id.*

[1] See 26 Stat. 209.

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Issue of Springfield rifles to States. *See* Militia.
Ordnance stores and, crediting for issues during Civil War. *See* Militia.
Sale of, to Indians prohibited. *See* Indians.
Army:
Enlistment in military service of foreign Governments, ministers of United States may issue writs to prevent American citizens from. *See* Neutrality.
President authorized to employ all persons in land and naval service in connection with Coast and Geodetic Survey work. Sec. 4685, R. S.
Women not allowed to accompany troops as laundresses. Sec. 5, Act of June 18, 1878 (20 Stat. 150).
Army nurses, pensionable status. *See* Pensions.
Army officers accountable for public property to obtain certificates of nonindebtedness, etc., before discharge. *See* Public property.
Army officers, detail of—
Accept position under Government of Greater Republic of Central America. J. Res. No. 23, Mar. 3, 1897 (29 Stat. 704).
Active or retired with Panama-California Exposition, San Diego, Cal. J. Res. No. 4, Jan. 15, 1915 (38 Stat. 1221).
Active or retired with the Panama-Pacific International Exposition. Act of Mar. 4, 1915 (38 Stat. 1065).
Alaskan railroads. Lieut. Frederick Mears to assist in location and construction of. J. Res. No. 17, May 13, 1914 (38 Stat. 772).
Coast and Geodetic Survey work, topographical parts of. Sec. 4684, R. S. Allowance of subsistence while so detailed. Sec. 4688, R. S.
Engineer officers to assist Mississippi River Commission. Secs. 3 and 6, Act of June 28, 1879 (21 Stat. 38).

Army officers, detail of—Continued.
Engineer officers to assist Missouri River Commission. Act of July 5, 1884 23 Stat. 144).
Engineer officers to superintend construction of lighthouses. Sec. 4664, R. S.
Governor of the West Indian Islands. Sec. 1, Act of Mar. 3, 1917 (39 Stat. 1132).
Grant leave of absence to officer of Corps of Engineers to assist Republic of China on reclamation work of the Huai River; termination of detail, pay during absence, etc. J. Res. No. 18, May 22, 1914 (38 Stat. 772).
Indian education. Sec. 7, Act of June 23, 1879 (21 Stat. 35).
Indian industrial and training school. Act of July 31, 1882 (22 Stat. 181).
Medical officer with Red Cross. Act of Mar. 3, 1911 (36 Stat. 1041).
Ordnance officers with Geological Survey. Act of June 16, 1880 (21 Stat. 274).
Panama-Pacific International Exposition, prohibitions against details to other service not applicable to, allowances for in lieu of transportation and mileage, etc. Act of June 23, 1913 (38 Stat. 76).
Army officers, Philippine Islands—
As attorneys and peace officers. *See* Philippine Islands.
Salary of, when detailed to duty under insular government. *See* Philippine Islands.
To be justices of the peace in connection with sale of intoxicating liquors. *See* Philippine Islands.
Army officers, retention of Maj. Gen. Arthur Murray on active list of the Army as an additional officer and in command of the Western Department from Apr. 29, 1915, until the close of the Panama-Pacific International Exposition, Dec. 4, 1915; and the number of major generals of the line of the Army on the active list is increased by one during the period named. Act of Mar. 4, 1915 (38 Stat. 1065).
Army, Philippine Islands, aid civil authorities. *See* Philippine Islands.
Army supplies, sale of, to the militia, credit for proceeds of. *See* Militia.
Arrests of trespassers, etc., on Presidio of San Francisco, civil police may be called upon to make. Act of June 4, 1888 (25 Stat. 167).
Articles of War:
Fort Bayard Hospital subject to. *See* Medical Department.
Inmates of National Homes for Disabled Volunteer Soldiers subject to. *See* National Home for Disabled Volunteer Soldiers.
Artificial limbs, commutation to persons who can not use. *See* Medical Department.
Atchison, Topeka and Santa Fe Railway Company may retain wharf at San Diego, Cal.; conditions; agreement as to disputes; improvements, etc., by the Government; alterations, etc., by railway company not required. Sec. 14, Act of Aug. 8, 1917 (40 Stat. 268).
Atlantic & Pacific Railroad, post route and military road. *See* Transportation
Attorneys' fees, claims for pensions. *See* Pensions.
Attorneys, Philippine Islands, Army officers as peace officers and. *See* Philippine Islands.
Attorneys practicing before executive departments forbidden to use names of Members of Congress or officers in advertising their business. Act of Apr. 27, 1916 (39 Stat. 54).
Auditor for War Department, account of Isthmian Canal Commission audited by. *See* Isthmian Canal Commission.

Baldwin Locomotive Works, and certain individuals, authorized to change and divert channel of Crum River, Pa. Act of July 27, 1916 (39 Stat. 393).
New channel to be a public navigable stream, etc. Id.
Bayou Meto, Arkansas, declared nonnavigable. Sec. 16, Act of Aug. 8, 1917 (40 Stat. 268).
Bedloes Island, New York Harbor, Secretary of War authorized to accept funds raised by New York World by popular subscription for construction of electric lighting plant for illumination of the Statue of Liberty on. Sec. 5, Act of July 27, 1916 (39 Stat. 411).
Betterton-Morgan Company, Incorporated, may construct dock on tidelands at Seattle, Washington. Sec. 12, Act of Aug. 8, 1917 (40 Stat. 268.)
Board of Managers, National Home for Disabled Volunteer Soldiers, vacancies in membership of not to be filled until such board is reduced to five, etc. *See* National Home for Disabled Volunteer Soldiers.
Board of Road Commissioners, Alaska. *See* Alaska.
Bonds, issues of to meet expenditures for national security and defense. Secs. 1–8, Act of Apr. 24, 1917 (40 Stat. 35–37).
Additional issue authorized, and the borrowing of money, etc. Secs. 1–12, Act of Sept. 24, 1917 (40 Stat. 288-295).
Bridges, dams, etc., over navigable waters. *See* Corps of Engineers.
Bridges, obstruction of navigable waters by, regulations for use of drawbridges, etc. *See* Corps of Engineers.
Building for Government exhibit on Presidio of San Francisco military reservation and use of building after exhibit. *See* Panama-Pacific International Exposition.
California Débris Commission. *See* Corps of Engineers.
California, temporary cession of jurisdiction to State of over portions of Presidio of San Francisco and Fort Mason Military Reservations during occupancy for exposition purposes. *See* Panama-Pacific International Exposition.
California University, transfer of site of Palace of Fine Arts to in exchange for other lands. Act of May 12, 1917 (40 Stat. 57).
Canal Zone:
Automobiles, penalty for operating in violation of regulations for licensing and taxing. Sec. 5, Act of Aug. 21, 1916 (39 Stat. 528).
Breach of the peace, unlawful to commit a. Sec. 4, Act of Aug. 21, 1916 (39 Stat. 528).
Business or trade, penalty for conducting in violation of regulations relative to. Sec. 5, Act of Aug. 21, 1916 (39 Stat. 528).
Civil government of. *See also* Panama Canal.
Consolidation of Zone government, railroad, and canal funds. *See* Panama Canal.
Consular officers of United States in foreign ports, powers of in respect to seamen conferred on shipping commissioner, etc. Sec. 9, Act of Aug. 21, 1916 (39 Stat. 529).
Customs duties on imports from. *See* Panama Canal.
Customs officers, fees of for certificates, etc., or notarial service. Sec. 8, Act of Aug. 21, 1916 (39 Stat. 528).
Deposit money orders, interest on payable from bank interest on money order funds. Sec. 7, Act of Aug. 21, 1916 (39 Stat. 528).
Deposit money orders issued in lieu of postal savings certificates to bear interest. Sec. 6, Act of Aug. 21, 1916 (39 Stat. 528).
Disorderly, indecent, or immoral conduct, unlawful to engage in or permit. Sec. 4, Id.

Canal Zone—Continued.
Fees of customs officers for certificates or notarial service. Sec. 8, id.
Health regulations to be prescribed by President. Sec. 1, Act of Aug. 21, 1916 (39 Stat. 527).
Immigration regulations as to persons entering or passing over. Sec. 10, id. 529.
Detention and return of persons entering in violation of regulations. Id.
Fine imposed on vessels for violation of regulations. Id.
Penalty for violation of regulations. Id.
Vessels required to return persons, withholding of clearance, etc. Id.
Immoral, indecent, or disorderly conduct, unlawful to engage in or permit. Sec. 4, id., 528.
Injury or obstruction to Panama Canal or locks. Sec. 10, id. 529.
Penalty for. Id.
Penalty for where act causes death of any person. Id.
Interest, deposit money orders issued in lieu of postal savings certificates to bear. Sec. 6, id. 528.
Interest on deposit money orders to be paid from bank interest on money order funds. Sec. 7, id.
Leases of land in. *See* Isthmian Canal Commission.
Leases of public lands in. *See* Panama Canal.
Naval radio stations on. *See* Panama Canal.
Notarial service, fees of customs officers for performing. Sec. 8, id.
Panama Canal or locks, injury to or obstruction of. Sec. 10, id. 529.
Penalty for. Id.
Penalty for where act causes death of any person. Id.
Police power, rules and regulations for asserting and exercising. Sec. 4, id. 528.
Police regulations, penalty for violating. Sec. 5, id.
Postal savings certificates, deposit money orders issued in lieu of to bear interest. Sec. 6, id. 528.
Postal service losses, payable from bank interest on money order funds. Sec. 7, id.
Quarantine regulations to be prescribed by President. Sec. 1, id. 527.
Penalty for violating. Id.
Revenues, distribution of. *See* Panama Canal.
Roads and highways, regulations for use of. Sec. 3, id. 528.
Automobile taxes may be graded according to value or power of machine. Id.
Licensing and taxing operation of self-propelled vehicles. Id.
Republic of Panama, mutual agreement with for reciprocal use of. Id.
Speed limit, signals, tags, license fees, etc., for self-propelled vehicles. Id.
Vehicles, self-propelled, regulations for operation of. Id.
Sanitary regulations to be prescribed by the President. Sec. 1, id. 527.
Penalty for violating. Id.
Seamen of vessels, powers of consular officers as to when on foreign voyages conferred on shipping commissioner, etc. Sec. 9, id. 529.
Shelter, temporary, of troops on. Use of portion of appropriation for acquisition of site and construction of supply depots at Fort Sam Houston, Tex., for providing. Act of Aug. 29, 1916 (39 Stat. 636).
No part of moneys so appropriated to be used for payment of commutation of fuel or quarters to officers or enlisted men. Id.

Canal Zone—Continued.
Shipping commissioner and deputy shipping commissioners, powers of United States consuls in foreign ports as to American seamen conferred on. Sec. 9, act of Aug. 21, 1916 (39 Stat. 529).
Taxes, ad valorem, excise, license, and franchise. President to change regulations for levying, assessing, and collecting. Sec. 2, id. 528.
Ad valorem taxes, maximum rate of. Id.
Excise taxes, maximum rate of. Id.
Franchise taxes, maximum rate of. Id.
Taxes, penalty for conducting business, etc., in violation of regulations relative to. Sec. 5, id.
Vehicles, self-propelled, penalty for operation of in violation of regulations for licensing and taxing. Sec. 5, id.
Cape Cod Canal, Massachusetts. *See* Rivers and harbors.
Cession of jurisdiction, temporary, to State of California over portions of Presidio of San Francisco and Fort Mason Military Reservations during occupancy for exposition purposes. *See* Panama-Pacific International Exposition.
Chicago River, Illinois, report of survey of harbor encroachments required. Sec. 11, act of Aug. 8, 1917 (40 Stat. 267).
Chickamauga and Chattanooga National Military Park. *See* National military parks.
Chief of Engineers:
Annual report of. *See* Corps of Engineers.
Draftsmen in office of. *See* Corps of Engineers.
Grant permission to the Women's Titanic Memorial Association to erect a memorial in the public grounds, District of Columbia, to the heroes of the Titanic. Sec. 7, Act of Mar. 3, 1917 (39 Stat. 1046).
Grant permission for removal of statue to Admiral Dupont from Dupont Circle, Washington, D. C., etc. Act of Feb. 26, 1917, Pub. Res. No. 51 (39 Stat. 944).
Index to annual reports of, from 1866 to 1917, inclusive, printing of 1,500 copies authorized. Sec. 4, Act of July 27, 1916 (39 Stat. 411).
Amended to include additional matter. Sec. 10, Act of Aug. 8, 1917 (40 Stat. 267).
Rules and regulations governing enforcement of anchorage grounds in harbors, bays, etc., to be enforced by, at ports or places where no revenue cutter is available, etc. *See* Rivers and harbors.
Transportation of heavy freight on certain reaches of the Mississippi River at all stages of water with certain types of tows and barges, experiments by or by board appointed by Secretary of War. Act of July 27, 1916 (39 Stat. 403).
Chief of Ordnance:
American manufacture, all purchases of supplies for manufacture of arms, ammunition, etc., to be of, unless it is to the manifest interest of Government to purchase limited quantities abroad. Sec. 2, Act of July 6, 1916 (39 Stat. 350).
Appropriation for rental or repair of building for drafting force in office of. Sec. 4, id.
Arsenals, Government, to be operated at their most economical rate of production, except where a special exigency requires the operation of a portion of the arsenal's equipment at a different rate. Sec. 7, id. 351.

Chief or Ordnance—Continued.
Draftsmen, employment of services of skilled and such other services as the Secretary of War may deem necessary, but the number of persons so employed, their duties, and compensation shall be reported to Congress each year with the estimates. Act of May 10, 1916 (39 Stat. 91).
Powder, price to be paid for, other than small-arms. Sec. 5, Act of July 6, 1916 (39 Stat. 350).
Purchase of materials from private manufactures, maximum price to be paid in excess of cost to Government to manufacture; limitation may be waived in case of emergency. Sec. 6, id.
Time study, etc., of any job of work not to be made by any officer, manager, superintendent, or foreman. Sec. 7, id. 351.
China, grant leave of absence to officer of Corps of Engineers to assist Republic of, in reclamation work. *See* Details of Army officers.
Citizenship:
Children of citizens born abroad. Sec. 1993, R. S., replaced by sec 6, Act of Mar. 2, 1907 (34 Stat. 1229).
Defined. Sec. 1992, R. S.
Expatriation, right of. Sec. 1999, R. S., as amended by sec. 2, Act of Mar. 2, 1907 (34 Stat. 1228).
Married women. Sec. 1994, R. S., as amended by sec. 3, Act of Mar. 2, 1907 (34 Stat. 1228).
Naturalized citizens protected in foreign States. Sec. 2000, R. S.
Oregon, persons born in. Sec. 1995, R. S.
Penalty for false certificate as to. *See* Naturalization.
Pension claims. *See* Pensions.
Release of citizens imprisoned by foreign Governments. Sec. 2001, R. S., as amended by sec. 1, Act of Mar. 2, 1907 (34 Stat. 1228).
Widow and dependent children of declarant. *See* Naturalization.
Civil authorities, Philippine Islands.
Army to aid. *See* Philippine Islands.
Not to interfere with military administration of lands reserved for military purposes. *See* Philippine Islands.
Civil government, Canal Zone. *See* Panama Canal.
Civil government, Porto Rico. *See* Porto Rico.
Civil office, military employees not to hold or exercise duties of United States commissioner. Sec. 20, Act of May 28, 1896 (29 Stat. 184).
Civil service, pension withheld, payment of. *See* Pensions.
Civil service, Philippine Islands, scope and effect of Act, etc. *See* Philippine Islands.
Civil War:
Memorial monument to commemorate the women of the. Contributions by the Government for site and building; commission to approve site and plans and to supervise expenditures; Commission of Fine Arts also to approve plans; memorial to be permanent headquarters of the American Red Cross; and American Red Cross to be charged with and responsible for care, keeping, and maintenance of memorial and grounds, but title to site and building to be in United States. Act of Oct. 22, 1913 (38 Stat. 233).
Military telegraph operators, record and certificate of service to persons who served as. Act of Jan. 26, 1897 (29 Stat. 497).
Militia, crediting for arms and ordnance stores issued during. *See* Militia.
Coaling and naval stations in Cuba. *See* Cuba.
Coal mines, Alaska, United States option on output of certain. *See* Alaska.

Coast and Geodetic Survey:
Detail of Army officers for topographical parts of work. *See* Details of Army officers.
Allowance of subsistence while so detailed. *See* Details of Army officers.
President authorized to employ all persons in land and naval service in connection with work of. *See* Army.
Coastwise vessels:
Exemption from tolls of Panama Canal repealed. *See* Panama Canal.
Philippine Islands, licenses to harbor vessels and. *See* Philippine Islands.
Colombia, Republic of, right of way from. *See* Panama Canal.
Colored and Indian soldiers, widows of. *See* Pensions.
Commandeering of plants, etc. *See* Emergency Shipping fund.
Commission of Fine Arts:
Appropriations for expenses of. Act June 25, 1910 (36 Stat. 728); Act Aug. 24, 1912 (37 Stat. 445).
Approve plans for the memorial monument to commemorate the women of the Civil War. Act of Oct. 22, 1913 (38 Stat. 233).
Established; members; appointment; duties; expenses. Act May 17, 1910 (36 Stat. 371).
George Washington memorial building plans to be approved by. Sec. 10, Act Mar. 4, 1913 (37 Stat. 881).
Commissioners of the District of Columbia, appointment of civil commissioners, etc. *See* Corps of Engineers.
Commissioners, United States, military employees not to hold or exercise duties of. *See* Civil office.
Common carriers:
Duties of, with respect to animals in transit. Act June 29, 1906 (34 Stat. 607).
Engaged in interstate and foreign commerce, establishment of an 8-hour day for employees of. Secs. 1–4, Act of Sept. 3–5, 1916 (39 Stat. 721).
Military stores—loss or damage; moneys credited to proper appropriations. Act Mar. 2, 1905 (33 Stat. 840).
Commutation, payment to persons who can not use artificial limbs. *See* Medical Department.
Conduit Road, Chief of Engineers authorized to regulate traffic, etc. *See* Washington Aqueduct under Corps of Engineers.
Confederate dead, marking graves of, in all national cemeteries and cemeteries at Federal military stations or locations throughout the country. *See* Marking graves of Confederate dead.
Confederate Veterans. *See* United Confederate Veterans.
Confederate Veterans' Association reunion, District of Columbia, 1917. Appropriation for, loans to, etc. Secs. 1–6, Feb. 26, 1917. Pub. Res. 50 (39 Stat. 942).
Congress, use of names of Members of, by attorneys practicing before executive departments. Act of Apr. 27, 1916 (39 Stat. 54).
Contracts and purchases. *See* Corps of Engineers.
Corps of Engineers:
Alabama, certain rivers in, free from tolls. Sec. 5244, R. S.
Annual report, Chief of Engineers. Sec. 8, Act of Aug. 11, 1888 (25 Stat. 400).
Aqueduct Bridge, regulations for use of. Act of Mar. 3, 1875 (18 Stat. 393).

Corps of Engineers—Continued.
Aqueduct Bridge, Secretary of War authorized to replace existing structure with new bridge. Sec. 1, Act of May 18, 1916 (39 Stat. 163).
Cost of construction, how apportioned. Sec. 6, id. 164.
Engineers and others may be employed in construction of. Sec. 3, id. 163.
Highway for traffic, and use for gas and water mains, power, telephone and telegraph wires, etc. Sec. 5, id. 164.
Land necessary for, to be acquired by condemnation proceedings. Sec. 2, id. 163.
Plans, appropriation for, and restrictions as to, etc. Sec. 4, id.
Repairs may be made to old bridge while new is under construction. Sec. 7, id. 164.
Washington & Old Dominion Railway, conditions and terms on which it is granted use of the bridge. Sec. 5, id.
Bayou Meto, Arkansas, declared nonnavigable. Sec. 16, Act of Aug. 8, 1917 (40 Stat. 268).
Bridges, dams, etc., over navigable waters. Sec. 9, Act of Mar. 3, 1899 (30 Stat. 1150).
California Débris Commission—
Annual report. Sec. 7, Act of Mar. 1, 1893 (27 Stat. 508).
Appropriations by State, receipt and use of. Act of July 1, 1898 (30 Stat. 631).
Compensation of employees of. Sec. 4, Act of Mar. 3, 1899 (30 Stat. 1150).
Conditions as to commencing operations. Sec. 15, Act of Mar. 1, 1893 (27 Stat. 509).
Conditions, violation of, forfeiture. Sec. 19, Act of Mar. 1, 1893 (27 Stat. 510).
Creation of, appointments to. Sec. 1, Act of Mar. 1, 1893 (27 Stat. 507).
Débris fund—
Appropriations from, restraining works. Sec. 25, Act of Mar. 1, 1893 (27 Stat. 511).
Created, expenditures by commission. Sec. 23, Act of Mar. 1, 1893 (27 Stat. 510).
Débris washed away, limit of. Sec. 17, Act of Mar. 1, 1893 (27 Stat. 509).
Decisions of, within 30 days. Sec. 13, Act of Mar. 1, 1893 (27 Stat. 508).
Dumping ground—
Expenses for constructing, allotment of. Sec. 16, Act of Mar. 1, 1893 (27 Stat. 509).
Petition for, contents, etc. Secs. 10 and 11, Act of Mar. 1, 1893 (27 Stat. 508).
Duties, plans. Sec. 4, Act of Mar. 1, 1893 (27 Stat. 507).
Employees, compensation, appointment. Sec. 4, Act of Mar. 3, 1899 (30 Stat. 1150).
Floods in Sacramento River, jurisdiction over State funds for control of. Pars. a–c, Sec. 2, Act of Mar. 1, 1917 (39 Stat. 949).
Funds appropriated by State, United States Treasurer to receive. Act of June 3, 1896 (29 Stat. 232).

Corps of Engineers—Continued.
California Débris Commission—Continued.
Hydraulic mines—
Petition must be filed with commission. Sec. 23, Act of Mar. 1, 1893 (27 Stat. 510).
Tax on gross proceeds. Sec. 23, Act of Mar. 1, 1893 (27 Stat. 510).
Hydraulic mining—
"Mining by hydraulic process" and defined. Sec. 8, Act of Mar. 1, 1893 (27 Stat. 508).
Navigable waters, injuring, penalty. Sec. 22, Act of Mar. 1, 1893 (27 Stat. 510).
Injury to works, penalty. Sec. 22, Act of Mar. 1, 1893 (27 Stat. 510).
Jurisdiction. Sec. 3, Act of Mar. 1, 1893 (27 Stat. 507).
Labor, hired, work may be done by. Act of Mar. 3, 1899 (30 Stat. 1148).
Mines—
Plans of, supervision, etc. Sec. 14, Act of Mar. 1, 1893 (27 Stat. 509).
Petition, notice of, to be published. Sec. 12, Act of Mar. 1, 1893 (27 Stat. 508).
Visiting, inspection. Sec. 20, Act of Mar. 1, 1893 (27 Stat. 510).
Navigable channels, noting condition of. Sec. 6, Act of Mar. 1, 1893 (27 Stat. 508).
Orders, modifications, etc. Sec. 18, Act of Mar. 1, 1893 (27 Stat. 509).
Public lands and material, use of. Sec. 21, Act of Mar. 1, 1893 (27 Stat. 510).
Recommendations of, appropriations. Sec. 25, Act of Mar. 1, 1893 (27 Stat. 511).
Sacramento River, control of floods in. Pars. a–c, sec. 2, Act of Mar. 1, 1917 (39 Stat. 949).
Sites, storage, for débris, etc., survey of. Sec. 5, Act of Mar. 1, 1893 (27 Stat. 507).
State commissioner of engineers, commission may consult with. Sec. 24, Act of Mar. 1, 1893 (27 Stat. 511).
Works, State to pay contractor one-half cost. Act of Mar. 3, 1899 (30 Stat. 1148).
Canals—
Operation of, tolls, etc. Sec. 4, Act of July 5, 1884 (23 Stat. 147).
Regulations for navigation of, to be posted. Sec. 4, Act of Aug. 17, 1894 (28 Stat. 362).
Cape Cod Canal, Massachusetts, purchase or condemnation authorized; joint action of Secretaries of War, Navy, and Commerce. Sec. 4, Act of Aug. 8, 1917 (40 Stat. 262).
Chicago River, Illinois, report of survey of harbor encroachments required. Sec. 11, id., 267.
Cinore River, Mo., not navigable. Act of Mar. 23, 1900 (31 Stat. 50).
Civil engineers—
Employment of. Sec. 5253, R. S.
Names of, employed to be reported to Congress. Sec. 8, Act of Aug. 5, 1886.
Number, duties, and compensation to be reported yearly to Congress with the annual estimates. Act of May 10, 1916 (39 Stat. 92).

Corps of Engineers—Continued.
Commissioners of the District of Columbia—
Appointment of civil commissioners. Sec. 2, Act of June 11, 1878 (20 Stat. 103).
Engineer commissioner—
Assistants (three) authorized. Act of Aug. 7, 1894 (26 Stat. 246).
Authorization of. Act of June 11, 1878 (20 Stat. 103).
Compensation. Act of Mar. 3, 1881 (21 Stat. 460).
Qualifications, etc. Joint res. 7, Dec. 24, 1890 (26 Stat. 1113).
Estimates of. Act of June 11, 1878 (20 Stat. 104).
Powers, limitation. Act of June 10, 1879 (21 Stat. 9).
Salary. Sec. 2, act of June 11, 1878 (20 Stat. 103).
Wharf property, control of. Act of Mar. 3, 1899 (30 Stat. 1377).
Consolidated items of river and harbor work with aggregate amount appropriated therefor, allotments to respective works, and disposition of balances remaining to credit of separate works or items, etc. Sec. 3, Act of Mar. 4, 1915 (38 Stat. 1052).
Contracts and purchases—
Application of appropriations. Sec. 3, Act of Aug. 11, 1888 (25 Stat. 423).
Lands, condemnation and purchase of. Act of Apr. 24, 1888 (25 Stat. 94).
Contracts for forage, Navasota Transfer Company relieved from. Act of May 12, 1917 (40 Stat. 75).
Contract work authorized. Sec. 3, Act of Aug. 8, 1917 (40 Stat. 261).
Des Moines River, free from tolls. Sec. 5246, R. S.
Donation of funds to be expended with public funds for improvement of rivers and harbors, Secretary of War authorized to receive from private parties. Sec. 4, Act of Mar. 4, 1915 (38 Stat. 1053).
Draftsmen, etc., in office Chief of Engineers. Act of May 28, 1896 (29 Stat. 163).
Draftsmen, skilled, civil engineers, and such other services as the Secretary of War may deem necessary may be employed only in the office of the Chief of Engineers, but the number so employed, their duties and compensation, shall be reported to Congress each year with the annual estimates. Act of May 10, 1916 (39 Stat. 92).
Dredging, restriction on. Sec. 5, Act of July 13, 1892 (27 Stat. 111).
Establish anchorage grounds in all harbors, rivers, bays, and other navigable waters, Secretary of War authorized to define and. Sec. 7, Act of Mar. 4, 1915 (38 Stat. 1053).
Rules and regulations governing, to be enforced by the Chief of Engineers at ports or places where no revenue cutter is available, etc. Sec. 7, Act of Mar. 4, 1915 (38 Stat. 1053).
Executive Mansion—
Furniture for. Sec. 1829, R. S.
Inventory of property in. Act of Apr. 17, 1900 (31 Stat. 97).
Fishways, authority for construction of. Sec. 11, Act of Aug. 11, 1888 (25 Stat. 425).
Fortifications, injuries to mines, torpedoes, etc. Act of July 7, 1898 (30 Stat. 717).
Funds contributed in excess of actual cost of work may be returned to representatives of contributing interests upon approval of Secretary of War, etc. Sec. 4, Act of Mar. 4, 1915 (38 Stat. 1053).

Corps of Engineers—Continued.
Grant leave of absence to officer of, to assist Republic of China in reclamation work. *See* Details of Army officers.
Harbor lines—
Establishment of, by Secretary of War. Sec. 11, Act of Mar. 3, 1899 (30 Stat. 1151).
Extensions, permits for. Sec. 11, Act of Mar. 3, 1899 (30 Stat. 1151).
Harbor regulations for the District of Columbia—
Deposits on shores of Potomac River prohibited. Act of May 19, 1896 (26 Stat. 126).
Deposits in Potomac River, unlawful, forbidden. Sec. 2, Act of May 19, 1896 (29 Stat. 126).
Establishment of harbor lines. Sec. 3, Act of Mar. 3, 1899 (30 Stat. 1378).
Limitation of. Sec. 4, Act of May 19, 1896 (29 Stat. 126).
Violation of, penalty. Sec. 3, Act of May 19, 1896 (29 Stat. 126).
Index to annual reports of Chief of Engineers from 1866 to 1917, inclusive, printing of 1,500 copies authorized. Sec. 4, Act of July 27, 1916 (39 Stat. 411).
Amended to include additional matter. Sec. 10, Act of Aug. 8, 1917 (40 Stat. 267).
Injury to public works (*see* subhead Public works).
Iowa River, portion declared not navigable. Sec. 5248, R. S.
Isthmian Canal Commission—
Duties. Sec. 3, act of Mar. 3, 1899 (30 Stat. 1150).
Funds for support of. Sec. 5, Act of Mar. 3, 1899 (30 Stat. 1150).
Investigations, report of. Sec. 6, Act of Mar. 3, 1899 (30 Stat. 1150).
Lighthouses—
Contracts for erection of. Acts of Aug. 31, 1852 (10 Stat. 120); Mar. 2, 1867 (14 Stat. 452).
Inspectors. Sec. 4671, R. S.
Superintendent of construction, etc. Sec. 4664, R. S.
Lighthouse Board—
Compensation of officers on. Sec. 4679, R. S.
Members not to be interested in contracts. Sec. 4680, R. S.
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Louisiana, navigable rivers in, public highways. Sec. 5251, R. S.
Maquoketa River, construction of bridges across. Sec. 5250, R. S.
Minnesota and North and South Dakotas, consent of Congress to improvement of boundary waters by. Sec. 5, Act of Aug. 8, 1917 (40 Stat. 266).
Missouri River Commission—
Creation; composition; duties. Act of July 5, 1884 (23 Stat. 144).
Expenditure of appropriations, supervision of. Act of July 5, 1884 (23 Stat. 144).
Mississippi River. (*See also* Mississippi River.)
Chief of Engineers or board appointed by Secretary of War to experiment with transportation of heavy freight on certain reaches of, with certain type of tows and barges at all stages of water. Act of July 27, 1916 (39 Stat. 403).
Control of floods in. Pars. a–d, sec. 1, Act of Mar. 1, 1917 (39 Stat. 948).
Material for improvements, how obtained. Sec. 6, Act of July 5, 1884 (23 Stat. 148).

Corps of Engineers—Continued.
Mississippi River—Continued.
Piers and cribs. Sec. 5254, R. S., as amended by Act of May 1, 1882 (22 Stat. 52).
Snagboats, operation of, on upper Mississippi. Sec. 7, Act of Aug. 11, 1888 (25 Stat. 424).
South Pass—
Location and extent of regulations for navigation of. Sec. 5, Act of Aug. 11, 1888 (25 Stat. 424); sec. 3, Act of Sept. 19, 1890 (26 Stat. 452).
Surveys, appropriations for, made permanent. Sec. 4, Act of Aug. 11, 1888 (25 Stat. 424).
Water gauges on, and tributaries. Sec. 5252, R. S.
Mississippi River Commission—
Creation, composition. Act of June 28, 1879 (21 Stat. 37).
Duties, report. Secs. 3, 4, and 5, Act of Feb. 18, 1901 (31 Stat. 792).
Headquarters, location general office. Act of Feb. 18, 1901 (31 Stat. 792).
Mississippi River and certain of its tributaries placed under jurisdiction of. Act of July 27, 1916 (39 Stat. 402).
Ohio River improvement, as to locks and dams, etc., excepted from jurisdiction of. Id.
Salary of civilian members fixed at $5,000. Sec. 4, Act of Mar. 1, 1917 (39 Stat. 951).
Secretary, detail of Engineer officer as. Act of Feb. 18, 1901 (31 Stat. 792).
Mosquito Creek, South Carolina, declared nonnavigable. Sec. 15, Act of Aug. 8, 1917 (40 Stat. 268).
Muskingum River, Ohio, relief of lessees on whose property was destroyed by Ohio Valley flood of March, 1913. Act of Aug. 1, 1914 (38 Stat. 637).
Navigable waters of the United States. (*See also* Navigable waters, Rivers and harbors.)
Alabama, certain rivers in, free of tolls. Sec. 5244, R. S.
Cinore River, Mo., not navigable. Act of Mar. 23, 1900 (31 Stat. 50).
Crum River, Pa., Baldwin Locomotive Works, and certain individuals, authorized to change and divert channel of, etc. Act of July 27, 1916 (39 Stat. 393).
New channel to be public navigable stream, etc. Id.
Deposits in. Sec. 13, Act of Mar. 3, 1899 (30 Stat. 1152).
Des Moines River, free from tolls. Sec. 5246, R. S.
Drawbridges, regulations for use of. Sec. 5, Act of Aug. 17, 1894 (28 Stat. 362).
Government pier in Delaware Bay near Lewes, Delaware, to be open to public under regulations to be prescribed by Secretary of War. Act of July 27, 1916 (39 Stat. 394).
Repeal of provision authorizing transfer of, to Treasury Department. Id.
Iowa River, not navigable. Sec. 5248, R. S.
"Kyle and Young Canal" and the "Morrison Landing extension" of the same, on the Oklawaha River, Fla., acceptance by Secretary of War of title to land and navigation improvement of. Act of July 27, 1916 (39 Stat. 396).
Canal and extension to become public waterway of United States. Id.

Corps of Engineers—Continued.
Navigable waters of the United States—Continued.
Louisiana, navigable rivers in; public highways. Sec. 5251, R. S.
Maquoketa River, construction of bridges across. Sec. 5250, R. S.
Obstruction of, by bridges, etc. Sec. 18, Act of Mar. 3, 1899 (30 Stat. 1153).
Public works, unauthorized use of. Sec. 14, Act of Mar. 3, 1899 (30 Stat. 1152).
Within public lands to be public highways. Sec. 2476, R. S.
Navigation, obstructions to—
Drawbridges, regulations for operation of. Sec. 5, Act of Aug. 17, 1894 (28 Stat. 362).
Floating logs, rafts, etc., regulations for. Sec. 2, Act of May 9, 1900 (31 Stat. 172).
Penal clauses—
Anchoring vessels, etc. Sec. 15, Act of Mar. 3, 1899 (30 Stat. 1152).
Dumping refuse, etc. Sec. 16, Act of Mar. 3, 1899 (30 Stat. 1152).
Enforcement of, Department of Justice to conduct proceedings. Sec. 17, Act of Mar. 3, 1899 (30 Stat. 1153).
Miscellaneous obstructions. Sec. 12, Act of Mar. 3, 1899 (30 Stat. 1151).
Prohibited. Sec. 10, Act of Mar. 3, 1899 (30 Stat. 1151).
Sunken vessels. Sec. 19, Act of Mar. 3, 1899 (30 Stat. 1154).
Wrecks, removal of, appropriation. Sec. 20, Act of Mar. 3, 1899 (30 Stat. 1154).
New York Harbor—
Boats to carry name, etc., painted. Sec. 3, Act of Aug. 18, 1894 (28 Stat. 360).
Bribing inspector or other officer, penalty. Sec. 3, Act of Aug. 18, 1894 (28 Stat. 360).
Dredged matter, disposal of. Sec. 4, Act of June 29, 1888 (25 Stat. 210).
Dumping—
At unauthorized places, penalty. Sec. 3, Act of June 29, 1888 (25 Stat. 209), as amended by sec. 3, Act of Aug. 18, 1894 (28 Stat. 360).
Deposits, injurious, forbidden; penalty. Sec. 3, Act. of Aug. 5, 1886 (24 Stat. 329); Sec. 1, Act of June 29, 1888 (25 Stat. 209).
Permits for, return of, penalty. Sec. 3, Act of Aug. 18, 1894 (28 Stat. 360).
Supervisor to designate place of, permits. Sec. 3, Act of June 29, 1888 (25 Stat. 209); as amended by Sec. 3, Act of Aug. 18, 1894 (28 Stat. 360).
Fishing in ship channels forbidden, penalty. Sec. 2, Act of Aug. 17, 1894 (28 Stat. 360).
Inspectors, duties, arrests, procedure, etc. Sec. 3, Act of Aug. 18, 1894 (28 Stat. 360).
Supervisor, appointment, duties. Sec. 5, Act of June 29, 1888 (25 Stat. 210).
Violation of act relating to—
Punishment of officer of boat. Sec. 2, Act of June 29, 1888 (25 Stat. 209).
Proceedings, arrests, process. Sec. 2, Act of Aug. 17, 1894 (28 Stat. 360).

Corps of Engineers—Continued.
Obstructions to navigation. *See* Navigation, obstructions to (under Corps of Engineers).
Potomac Park—
Acquisition of lands required for connecting parkway between Potomac Park, Zoological Park, and Rock Creek Park; limitation as to total area to be acquired; to form part of park system of District of Columbia, etc. Act of July 1, 1916 (39 Stat. 282).
Ailanthus trees, purchase of. Sec. 1830, R. S.
Bank of the Potomac, control of. Act of Mar. 3, 1899 (30 Stat. 1106).
Canal spaces added to park system, etc. Act of Aug. 1, 1914 (38 Stat. 633).
Made part of park system. Act of Aug. 1, 1914 (38 Stat. 634).
Permits by Secretary of War to occupy reservations, etc., in connection with forty-ninth encampment of the G. A. R. *See* Grand Army of the Republic.
Playground for children. Act of Aug. 30, 1890 (26 Stat. 371).
Regulations for control of. Sec. 2, Act of Mar. 3, 1899 (30 Stat. 1106).
Restrictions on lagoons or speedways in. Act of Aug. 1, 1914 (38 Stat. 634).
Trees, plants, etc., to be propagated. Act of June 20, 1878 (20 Stat. 220).
Watchmen to have police power. Act of Aug. 5, 1882 (22 Stat. 257).
Proceedings to secure title to lands to be given for improvements by State authorities, etc., reimbursement of expenses. Sec. 9, Act of Aug. 8, 1917 (40 Stat. 267).
Public buildings and grounds:
Chief of Engineers to have charge of. Sec. 1797, R. S.
Employees. Sec. 1799, R. S.; Act of Jan. 20, 1874 (18 Stat. 4).
Estimates and appropriations for. Sec. 1798, R. S.
Reports of Superintendent of. Sec. 1812, R. S.
Public works, unauthorized use of. Sec. 14, Act of Mar. 3, 1899 (30 Stat. 1152).
Public works, injury to, amendment of act, civil actions not affected. Secs. 3 and 4, Act of May 9, 1900 (31 Stat. 172).
Regulation of use of harbors, etc., by Secretary of War. Sec. 7, Act of Aug. 8, 1917 (40 Stat. 266), amending sec. 4, Act of Aug. 18, 1894 (28 Stat. 362), as amended by sec. 11, Act of June 13, 1902 (32 Stat. 374).
Rentals for use of Government plants in improvement of rivers and harbors, disposition of. Sec. 13, Act of Aug. 8, 1917 (40 Stat. 269).
Report, annual, Chief of Engineers. Sec. 8, Act of Aug. 11, 1888 (25 Stat. 400).
Restrictions on private contract work for improvement of rivers and harbors. Sec. 6, Act of Aug. 8, 1917 (40 Stat. 266).
River and harbor works. (*See also* Rivers and harbors.)
Preliminary surveys, estimates, reports. Act of Aug. 2, 1882 (22 Stat. 213).
Reports of deterioration. Sec. 7, Act of Mar. 3, 1899 (30 Stat. 1150.)
Statistics, commercial, to be supplied superintendents. Act of Feb. 21, 1891 (26 Stat. 766).
Saint Marys River, Ohio and Indiana, declared nonnavigable. Sec. 17, Act of Aug. 8, 1917 (40 Stat. 268).

Corps of Engineers—Continued.
San Diego, California, Atchison, Topeka & Santa Fe Railway Company may retain wharf at; conditions; agreement as to disputes; improvement, etc., by the Government; alterations, etc., by railway company not required. Sec. 14, Act of Aug. 8, 1917 (40 Stat. 269).
Seattle, Washington, Betterman-Morgan Co., Incorporated, may erect dock on tide lands of. Sec. 12, Act of Aug. 8, 1917 (40 Stat. 267).
Secretary of War authorized to appoint a board of three officers from, to examine and appraise the value of the work and franchises of the East Coast Canal from the St. Johns River to Key West, Fla., with reference to purchasing the canal and the construction by the Government of a free and open waterway, etc. Sec. 15, Act of Mar. 4, 1915 (38 Stat. 1058.)
South Pass, Mississippi River; regulations for navigation of. Sec. 5, Act of Aug. 11, 1888 (25 Stat. 424); sec. 3, Act of Sept. 19, 1890 (26 Stat. 452).
Supply depot for, acquisition of land at Fort Sam Houston, Texas, and construction of. Act of Aug. 29, 1916 (39 Stat. 636).
Surveys, restriction on, etc. Sec. 2, Act of Mar. 3, 1899 (30 Stat. 1149).
Surveys, specific authority required for, etc. Sec. 4, Act of Aug. 8, 1917 (40 Stat. 261).
Washington Aqueduct:
Appropriations for, how expended. Sec. 1802, R. S.
Chief of Engineers—
Decisions of; right of appeal to Secretary of War. Sec. 1811, R. S.
to Enforce traffic regulations for the protection of, including the Filtration Plant and its accessories, and the Conduit Road. Act of Sept. 1, 1916 (39 Stat. 693).
Conduit Road, speed limit over, within District of Columbia, and within Maryland. Id.
Prosecution in the police courts of the District for violation of the regulation within the District of Columbia. Id.
Prosecutions before United States Commissioner for violation of the regulations within the State of Maryland. Id.
to Have charge of. Sec. 1800, R. S.
to Receive no extra compensation. Sec. 1807, R. S.
to Regulate water supply. Sec. 1810, R. S.
Reports of, as superintendent of Washington Aqueduct. Sec. 1812, R. S.
to be Supplied, stationery, etc. Sec. 1808, R. S.
Miscellaneous provisions:
Diversion of water prohibited. Act of Mar. 3, 1893 (27 Stat. 544).
Maliciously making water impure. Sec. 1806, R. S.
Pipes for use of public buildings. Sec. 1805, R. S.
Superintendence and control of, including its rights, appurtenances, and fixtures, to remain under the Secretary of War. Act of Sept. 1, 1916 (29 Stat. 713).
Unauthorized opening of pipes; penalty. Sec. 1803, R. S.
Use of water in public buildings. Act of Mar. 3, 1883 (22 Stat. 615).
Willful breaking of pipes; penalty. Sec. 1804, R. S.
Record of property to be kept. Sec. 1809, R. S.
Regulations may be prescribed by president. Sec. 1801, R. S.

Corps of Engineers—Continued.
Washington Aqueduct—Continued.
Superintendent:
Lands about reservoir under control of. Act of Mar. 3, 1875 (18 Stat. 393).
Reports of. Sec. 1812, R. S.
Washington Monument—
Advertisement or sale of articles in or around prohibited except on written authority of Secretary of War. Acts of Feb. 9 and Mar. 4, 1909 (35 Stat. 615 and 997).
Care and maintenance. Act of Oct. 2, 1888 (25 Stat. 533).
Employees; extra pay prohibited. Sec. 1835, R. S.
Joint commission dissolved. Act of Oct. 2, 1888 (25 Stat. 533).
Washington National Monument Society continued. Act of Oct. 2, 1888 (25 Stat. 533).
Waterways Commission—
Appropriation for expenses of. Sec. 18, Act of Aug. 8, 1917 (40 Stat. 269).
Authority for expenditures. Id.
Compensation of commission. Id.
Composition of. Id.
Consideration of rights, etc., of United States, States, etc., respecting proposed projects. Id.
Engineers, technical experts, etc., to be employed. Id.
Report of plans to Congress. Id.
River and harbor projects not interfered with, etc. Id., 270.
Subjects for study, etc., designated. Id., 269.
Costa Rica, concessions from. *See* Panama Canal.
Courts-martial:
Accused may testify before. *See* Military tribunals.
Closed sessions at trials before. *See* Military tribunals.
Reporters, employment of. *See* Military tribunals.
Punishment of spies. *See* Military tribunals.
Witnesses, attendance of, refusal to testify. *See* Military tribunals.
Crum River, Pa., Baldwin Locomotive Works, and certain individuals, authorized to change and divert channel of, etc. Act of July 27, 1916 (39 Stat. 393).
New channel to be a public navigable stream, etc. Id.
Cuba:
Commercial treaty with, not affected by customs act. Sec. 3, Act of Aug. 5, 1909 (36 Stat. 83).
Concessions not to be granted by United States, during occupation. Act of Mar. 3, 1899 (30 Stat. 1074).
Cuban vessels in United States ports, rights of. Act of Feb. 10, 1900 (31 Stat. 27).
Establishment of commission to adjudicate claims against Spain. Act of Mar. 2, 1901 (31 Stat, 877).
Imports from, reduction in duties on. Act of Dec. 17, 1903 (33 Stat. 3).
Independence of, recognized. J. Res. No. 24, Apr. 20, 1898 (30 Stat. 738).
Intervention by United States, authorized. Act of Mar. 2, 1901 (31 Stat. 895).
Isle of Pines, title to. Act of Mar. 2, 1901 (31 Stat. 895).
Public debt of, restrictions on. Act of Mar. 2, 1901 (31 Stat. 895).
Ratification of acts of United States during occupancy. Act of Mar. 2. 1901 (31 Stat. 895).

Cuba—Continued.
Relinquishment of control of, by United States. Act of Mar. 2, 1901 (31 Stat. 895).
Sales of rifles and ordnance to, permitted. Act of Mar. 23, 1910 (36 Stat. 261).
Sanitation. Act of Mar. 2, 1901 (31 Stat. 895).
Stations, coaling and naval, of United States. Act of Mar. 2, 1901 (31 Stat. 895).
Treaties of, restrictions on. Act of Mar. 2, 1901 (31 Stat. 895).
Treaty with United States to embody certain provisions. Act of Mar. 2, 1901 (31 Stat. 895).
Customs duties, imports from Canal Zone. *See* Panama Canal.
Dams, bridges, etc., over or across navigable waters. *See* Corps of Engineers.
Danish West Indian Islands, temporary government for. Secs. 1–8, Act of Mar. 3, 1917 (39 Stat. 1132).
Daughters of the American Revolution, exemption of property owned by, in District of Columbia from taxation. Act of Aug. 15, 1916 (39 Stat. 514).
Exemption of rectory, parsonage, or other pastoral residence from. Id. 515.
Débris Commission, California. *See* Corps of Engineers.
Delaware Bay, Del., Government pier in, near Lewes, to be open to public under regulations to be prescribed by Secretary of War. Act of July 27, 1916 (39 Stat. 394).
Repeal of provision authorizing transfer of, to the Treasury Department. Id.
Department of the Interior:
Establishment of. Sec. 437, R. S.
General powers and duties of the Secretary. Sec. 441, R. S.
Powers and duties of Secretary in relation to Territories. Sec. 442, R. S.
Details of Army officers (*see also* Army officers):
Accept position under Government of Greater Republic of Central America. J. Res. No. 23, Mar. 3, 1897 (29 Stat. 704).
Active or retired, with Panama-California Exposition, San Diego, Cal. J. Res. No. 4, of Jan. 15, 1915 (38 Stat. 1221).
Active or retired, with the Panama-Pacific International Exposition. Act of Mar. 4, 1915 (38 Stat. 1065).
Alaskan railroads. Lieut. Frederick Mears to assist in location and construction of. J. Res. No. 17, May 13, 1914 (38 Stat. 772).
Coast and Geodetic Survey work, topographical parts of. Sec. 4684, R. S.
Allowance of subsistence while so detailed. Sec. 4688, R. S.
Engineer officers to assist Mississippi River Commission. Secs. 3 and 6, act of June 28, 1879 (21 Stat. 38).
Engineer officers to assist Missouri River Commission. Act of July 5, 1884 (23 Stat. 144).
Engineer officers to superintend construction of lighthouses. Sec. 4664, R. S.
Governor of the West Indian Islands. Sec. 1, act of Mar. 3, 1917 (39 Stat. 113).
Grant leave of absence to officer of Corps of Engineers to assist Republic of China on reclamation work of the Huai River; termination of detail, pay during absence, etc. J. Res. No. 18, May 22, 1914 (38 Stat. 772).
Indian education. Sec. 7, act of June 23, 1879 (21 Stat. 35).
Indian industrial and training school. Act of July 31, 1882 (22 Stat. 181).
Medical officer with Red Cross. Act of Mar. 3. 1911 (36 Stat. 1041).
Ordnance officers for Geological Survey. Act of June 16, 1880 (21 Stat. 274).

Details of Army Officers (*see also* Army officers)—Continued.
Panama-Pacific International Exposition, prohibition against details to other service not applicable to, allowances for in lieu of transportation and mileage, etc. Act of June 23, 1913 (38 Stat. 76).
Details of officers and enlisted men of Navy and Marine Corps to serve under the Government of the Republic of Haiti. Secs. 1–5, act of June 12, 1916 (39 Stat. 223).
Discharge, Army officers accountable for public property to obtain certificates of nonindebtedness before. *See* Public property.
District of Columbia (*see also* this title under Corps of Engineers):
Anacostia River and Flats—
Acquisition of additional land in connection with reclamation and development of. Act of Mar. 3, 1917 (39 Stat. 1040).
Adjustment of boundaries and exchange of lands with the Philadelphia, Baltimore and Washington Railroad. Act of Mar. 3, 1917 (39 Stat. 1041).
Appointment of commissioners, estimates, etc. *See* Corps of Engineers.
Aqueduct Bridge, new. *See* Aqueduct Bridge under Corps of Engineers.
Authority to the American Society of Civil Engineers to erect a memorial fountain to Alfred Noble in poublic grounds of. J. Res. of May 8, 1916 (39 Stat. 65).
Burial of ex-Union soldiers in Arlington or other cemeteries in. *See* National cemeteries.
Filled canal spaces in added to park system. *See* Corps of Engineers.
Harbor regulations for. *See* Corps of Engineers.
Juvenile Court, record of conviction against any child is not a disqualification for jury duty, for holding office, or for any other public service under the Federal or District Governments. Act of Apr. 27, 1916 (39 Stat. 56).
Persons convicted of crimes in courts of and sentenced to confinement for more than one year may be confined in the District reformatory instead of a penitentiary, etc. Act of Sept. 1, 1916 (39 Stat. 711).
Playground for children, regulations for control of, etc. *See* Corps of Engineers.
Potomac Park, made part of the park system. *See* Corps of Engineers.
Acquisition of lands required for connecting parkway between Potomac Park, Zoological Park, and Rock Creek Park; limitation as to total area to be acquired; to form part of park system of District of Columbia, etc. Act of July 1, 1916 (39 Stat. 282).
Public grounds, Women's Titanic Memorial Association to erect memorial in to heroes of steamship *Titanic*. Sec. 7, Act of Mar. 3, 1917 (39 Stat. 1046).
Restrictions on lagoons or speedways in. *See* Corps of Engineers.
Reformatory of, persons convicted in District courts and sentenced to confinement for more than one year may serve sentence in instead of in a penitentiary, etc. Act of Sept. 1, 1916 (39 Stat. 711).
Statue to Admiral Dupont in Dupont Circle, Chief of Engineers may grant permission for removal of, etc. Act of Feb. 26, 1917 (Pub. Res. No. 51, 39 Stat. 944).
Subsistence allowances to persons traveling on official business outside of. Sec. 13, Act of Aug. 1, 1914 (38 Stat. 680).
Transfer of prisoners heretofore convicted in District courts to serve remainder of term of confinement in. Act of Sept. 1, 1916 (39 Stat. 711).
Wharf property, control of. *See* Corps of Engineers.

District of Columbia Militia:
Authority to make contracts. *See* **Militia.**
Deduction of pay to reimburse for loss of public property, etc. *See* Militia.
Purchase of supplies, etc. *See* Militia.
District of Columbia Naval Militia, authorization of, etc. *See* **Militia.**
Donation of funds:
Contributed to be expended with public funds for improvement of rivers **and harbors; Secretary of War authorized to receive from** private parties. *See* Rivers and harbors.
Funds contributed in excess of actual cost of work may be returned to representatives of contributing interests upon approval of **Secretary** of **War, etc.** *See* **Rivers and harbors.**
Dowsett Co. (Ltd.) given permission, within a time limit, **to remove** certain **buildings from Schofield Barracks Military Reservation, Territory of Hawaii,.** Act of Aug. 29, 1916 (39 Stat. 636).
Draftsmen in office of the Chief of Engineers. *See* Corps **of Engineers.**
Drugs. *See* **Narcotics.**
Dupont **Circle, Washington, D. C., Chief of Engineers may permit removal** of **statue of Admiral Du Pont from. Act of Feb. 26, 1917 (Pub. Res. No.** 51, 39 Stat. 944).
East Coast Canal; Secretary of War authorized to appoint a board of three officers from the Corps of Engineers to examine and **appraise the** value of **the work and franchises of the canal from the St. Johns River to Key West,** Fla., with reference to its purchase by the Government and the **construction of a free and open waterway, etc. Sec. 15, Act of Mar. 4, 1915 (38 Stat. 1053).**
Eight-hour day, **establishment of for employees of carriers engaged in interstate and foreign commerce. Secs. 1–4, Act of Sept. 3–5, 1916 (39 Stat. 721).**
Emergency shipping fund, requisitioning of plants, etc. Act of June 15, 1917 (40 Stat. 182).
Employees, Government Printing Office, not to be detailed in other branches of service. *See* **Printing and binding.**
Employment of military force:
Remove and destroy unlawful inclosures of public lands. Sec. 5, **Act of** Feb. 25 1885 (23 Stat. 322).
Timber, felling; unlawful inclosures. Sec. 2460, R. S.
Trespassers, removal. Sec. **1, Act of Mar. 3, 1807 (2 Stat. 445).**
Trespass or intrusion in General Grant National **Park, Sequoia** National **Park, or Yosemite National Park for purpose of destroying the game or** objects of curiosity therein. Act of June 6, 1900 (31 Stat. 618).
Treason. Secs. 1, 2, 3, 4, 5, 6, 7, and 8, Act of Mar. 4, 1909 **(35 Stat. 1088).**
Engineer Corps. *See* Corps of Engineers.
Engineer officers, detail of to assist Mississippi and Missouri River Commissions, etc. *See* Details of Army officers.
Enlisted men, President authorized to employ all persons in land and naval service in connection with Coast and Geodetic Survey work. *See* Army.
Enlistments, foreign governments, ministers of United States may issue writs to prevent American citizens from entering military service. *See* Neutrality.
Estimates:
National Homes for Disabled Volunteer Soldiers. *See* National Homes for Disabled Volunteer Soldiers.
Panama Canal, Canal Zone, etc., to be submitted. *See* Panama Canal.

Europe:
Relief, protection, and transportation of American citizens in, made necessary by existing political disturbances, etc. Joint Res. No. 30, Aug. 8, 1914 (38 Stat. 776).
Relief, protection, and transportation of American citizens in, made necessary by existing political disturbances, etc. Use of officers, employees, and vessels of United States and use of supplies of Naval or Military Establishments, etc. Joint Res. No. 31, Aug. 5, 1914 (38 Stat. 776).
Evidence:
Legislative acts and judicial proceedings, authentication of. *See* Military tribunals.
Little & Brown's edition of Statutes at Large to be competent. *See* Military tribunals.
Records, documents, etc., copies of, in executive departments as. *See* Military tribunals.
Executive departments:
Attorneys practicing before, use of names of Members of Congress or officers to advertise their business. Act of Apr. 27, 1916 (39 Stat. 54).
Certificate of necessity for printing and binding to be furnished. *See* Printing and binding.
Evidence, copies of records, documents, etc., to be received as. *See* Military tribunals.
Executive Mansion, furniture for and inventory of property in. *See* Corps of Engineers.
Explosives for military service, transportation of. *See* Interstate commerce.
Explosives, manufacture, distribution, storage, use and possession of in time of war. Secs. 1–22, Act of Oct. 6, 1917 (40 Stat. 385–89).
Exposition, Panama-Pacific International, building for Government exhibit on Presidio of San Francisco military reservation and use of after close of exhibition. *See* Panama-Pacific International Exposition.
Expositions, property may be transported to or from free or at reduced rates. Sec. 22, Act of Feb. 4, 1887 (24 Stat. 380), as amended by sec. 9, Act of Mar. 2, 1889 (25 Stat. 862).
Expositions or fairs, transportation of public property to or from. *See* Interstate commerce.
Fairs, property may be transported to or from free or at reduced rates. Sec. 22, Act of Feb. 4, 1887 (24 Stat. 380), as amended by sec. 9 Act of Mar. 2, 1889 (25 Stat. 862).
Fairs or expositions, transportation of public property to or from. *See* Interstate commerce.
Federal prisoners:
Deduction from sentence for good conduct. Secs. 5543, 5544, R. S., as amended by Act of Mar. 3, 1875 (18 Stat. 479). *See also* Act of Mar. 3, 1891 (26 Stat. 840), superseded by Act of June 21, 1902 (32 Stat. 397), as amended by Act of Apr. 27, 1906 (34 Stat. 149).
Military prisoners, deductions from sentence for good conduct. Secs. 1, 2, 3, Act of June 21, 1902 (32 Stat. 397).
Parole of. Act of June 25, 1910 (36 Stat. 819), as amended by Act of Jan. 23, 1913 (37 Stat. 650).
Fees, Philippine Islands, to civilian witnesses. *See* Philippine Islands.
Firearms, Philippine Islands, lawful possession of, by officer, soldiers, etc. *See* Philippine Islands.
Fires, setting, on public lands. *See* Public lands.

Fire sufferers, Salem, Mass., relief of, expenditures under Secretary of War. *See* Salem, Mass.

Fishways in navigable waters, authority for construction of. *See* Corps of Engineers.

Flags and ensigns. Secretary of War authorized to loan for purpose of decorating streets during forty-ninth encamptment of the Grand Army of the Republic. *See* Grand Army of the Republic.

Floods:

Examinations, surveys, and projects relating to control of. Sec. 3, Act of Mar. 1, 1917 (39 Stat. 950).

Mississippi River, control of. Pars. a–d, Sec. 1, Act of Mar. 1, 1917 (39 Stat. 948).

Sacramento, Cal., control of. Pars. a–c, Sec. 2, Act of Mar. 1, 1917 (39 Stat. 949).

Flood sufferers of North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, and Mississippi, Secretary of War authorized to furnish food, Quartermaster and Medical Department supplies, etc., to. J. Res. of Aug. 3, 1916 (39 Stat. 434).

Authorization for extension of such relief to the flood sufferers of West Virginia. J. Res. of Aug. 24, 1916 (39 Stat. 534).

Florida flood sufferers of 1916, Secretary of War authorized to relieve with food, supplies of the Quartermaster and Medical Departments, etc. J. Res. of Aug. 3, 1916 (39 Stat. 434).

Fords (Mokuumeume) Island naval reservation, island of Oahu, Territory of Hawaii. Transfer of control and jurisdiction over to War Department for use for military purposes. Act of Aug. 29, 1916 (39 Stat. 568).

Foreign governments, ministers of United States may issue writs to prevent American citizens from enlisting in military service of. *See* Neutrality.

Foreign governments, President authorized to invite all of the great governments of the world to send representatives to a conference to be charged with the formation of a plan for a court of arbitration or other tribunal to settle international disputes. Act of Aug. 29, 1916 (39 Stat. 618).

Appointment of nine citizens to be representatives of the United States in such a conference. *Id.*

Appropriation made and set aside for expenses of. *Id.*

Compensation of representatives, etc., to be fixed by President.

Foreign officials, entertainment of, in connection with Panama-Pacific International Exposition. *See* Panama-Pacific International Exposition.

Foreign vessels, Philippine Islands, tonnage tax levied on, when entering United States from. *See* Philippine Islands.

Fort Bayard Hospital:

Subject to rules and articles of war. *See* Medical Department.

Treat officers and men of Army, Navy, and Marine Corps. *See* Medical Department.

Fortifications, injuries to mines, torpedoes, etc. *See* Corps of Engineers.

Fort Leavenworth Military Prison changed to United States penitentiary and restored to War Department. *See* Military prison.

Fort McHenry Military Reservation, temporary cession of jurisdiction to State of Maryland over that portion leased to city of Baltimore. J. Res. of Apr. 3, 1916 (39 Stat. 46).

Fort Mason Military Reservation, temporary cession of jurisdiction to State of California over portion used for exposition purposes. *See* Panama-Pacific International Exposition.

Franchises, Philippine Islands, for works of public utility, regulations to be adopted. *See* Philippine Islands.

Gama, Señor Domicio da, thanks of Congress and gold medal presented to, for services as mediator between United States and warring parties in Mexico. *See* Medals.

General Grant National Park. *See* National parks.

Removal of trespassers, etc., from. *See* Employment of military force.

Geological Survey, detail of ordnance officer with. *See* Details of Army officers.

Georgia flood sufferers of 1916, Secretary of War authorized to relieve with food, supplied by the Quartermaster and Medical Departments, etc. J. Res. of Aug. 3, 1916 (39 Stat. 434).

Georgia, reimbursement for encampment expenses, 1914. Act of May 12, 1917 (40 Stat. 66).

Gettysburg National Park. *See* National military parks.

Good-conduct time, deductions from sentences of military prisoners. *See* Federal prisoners.

Government Printing Office, employees of, not to be detailed in other branches of service. *See* Printing and binding.

Grand Army of the Republic:

Commissioners of District of Columbia to make special regulations for occasion of forty-ninth encampment, to be held in Washington, September–October, 1915. J. Res. No. 8, sec. 1, of Mar. 3, 1915 (38 Stat. 1222).

Loan of ensigns, flags, etc., by Secretary of War for purposes of decorating streets during encampment. Secs. 3 and 4, id. 1223.

Loan of hospital tents, ambulances, horses, drivers, etc., by Secretary of War, for caring for the sick, injured, and infirm during the encampment. Sec. 6, id. 1224.

Permits to use reservations and other public spaces in the city of Washington during encampment, Secretary of War authorized to issue. Sec. 5, id.

Grant Memorial, Gen. Ulysses S., appropriation heretofore made for unveiling and dedicating made available during fiscal year 1917. Act of July 1, 1916 (39 Stat. 291).

Graves of Confederate dead, marking in all national cemeteries and cemeteries at Federal military stations or locations throughout the country. *See* Marking graves of Confederate dead.

Guilford Courthouse National Military Park. *See* National military parks.

Habeas corpus, Philippine Islands, employment, suspension, etc., of writ of. *See* Philippine Islands.

Hague convention, hospital ships. *See* Medical Department.

Haiti, Republic of, detail of officers and enlisted men of Navy and Marine Corps to serve under Government of. Secs. 1–5, Act of June 12, 1916 (39 Stat. 223).

Harbor defenses, injuries to mines, torpedoes, etc. *See* Corps of Engineers.

Harbor lines, establishment and extension of, in navigable waters. *See* Corps of Engineers.

Harbor regulations for the District of Columbia. *See* Corps of Engineers.

Henry Barracks Military Reservation, Gayey, P. R. Transfer of control and jurisdiction over portion known as Magazine Hill to the Navy Department for naval purposes. Act of Aug. 29, 1916 (39 Stat. 568).

Hetch Hetchy Valley Reservoirs, Yosemite National Park, sale to War Department by city and county of San Francisco, Cal., of water required on military reservations in or near the city of San Francisco on certain conditions, etc. Par. (u), sec. 9, Act of Dec. 19, 1913 (38 Stat. 250).

Highways, public land, right of way for. *See* Public lands.

Homesteads, mode of procedure, right of entry, etc. *See* Public lands.

Honolulu, Hawaii, exchange of wharves at, by War and Navy Department. Act of May 12, 1917 (40 Stat. 57).
Horses, militia, purchase and maintenance of. *See* Militia.
Hospitals:
Fort Bayard, subject to rules and articles of war. *See* Medical Department.
Fort Bayard, treat officers and men of Army, Navy, and Marine Corps. *See* Medical Department.
Hot Springs, Ark., establishment of, use of hot water, etc. *See* Medical Department.
Hot Springs (S. Dak.). National Sanitarium in connection with National Home for Disabled Volunteer Soldiers. *See* Medical Department.
Hospital and medical supplies, Medical Department authorized to sell to Soldiers' Home at contract price. *See* Soldiers' Home.
Hospital ships, The Hague convention. *See* Medical Department.
Hot Springs Hospital, Arkansas, establishment of, use of hot water, etc. *See* Medical Department.
Hot Springs National Sanitarium, South Dakota, in connection with National Home for Disabled Volunteer Soldiers. *See* Medical Department.
Hunting, National parks, penalty for trespassing and shooting on. *See* National parks.
Income tax, war. *See* War revenue act.
Index to annual reports of Chief of Engineers from 1866 to 1917, inclusive, printing of 1,500 copies authorized. Sec. 4, Act of July 27, 1916 (39 Stat. 411).
Amended to include additional matter. Sec. 10, Act of Aug. 8, 1917 (40 Stat. 267)
Indian and colored soldiers, widows of. *See* Pensions.
Indian reservations, removal of persons from. *See* Indians.
Indians:
Agencies—
Consolidated. Sec. 6, Act of Mar. 1, 1883 (22 Stat. 451).
Discontinued. Sec. 2053, R. S., Act of June 22, 1874 (18 Stat. 177).
Discontinued and transferred. Sec. 2054, R. S., and sec. 2059, R. S.
Limited. Sec. 2066, R. S.
Agents—
Appointment. Sec. 2052, R. S.; sec. 1, Act of Feb. 14, 1873 (17 Stat. 437); Act of June 22, 1874 (18 Stat. 147); Act of Aug. 15, 1894 (28 Stat. 286).
Bonds. Sec. 2057, R. S.; Act of Mar. 3, 1875 (18 Stat. 451).
Duties. Sec. 2058, R. S., and secs. 4, 5, and 10, Act of Mar. 3, 1875 (18 Stat. 449-451); Act of May 27, 1878 (20 Stat. 86); sec. 9, Act of July 4, 1884 (23 Stat. 98).
Residences. Sec. 2060, R. S.
Term of office. Sec. 2056, R. S.; Act of May 17, 1882 (22 Stat. 87).
American captives, moneys due Indians. Sec. 2102, R. S.
Annuities—
to Minors. Sec. 8, Act of Mar. 1, 1899 (30 Stat. 947).
Mode of payment and distribution of goods. Sec. 2086, R. S.; sec. 6, Act of Mar. 3, 1875 (18 Stat. 450); Act of Aug. 15, 1876 (19 Stat. 196).
Payment in goods. Sec. 2082, R. S.
Payment in coin. Sec. 2081, R. S.
Withholding from intoxicated persons. Sec. 2087, R. S.

Indians—Continued.
Annual accounts of disbursements. Sec. 2091, R. S., and sec. 8, Act Mar. 3, 1875 (18 Stat. 450).
Arms, sale of, prohibited. Sec. 467, R. S.
Arms, etc., training with hostile and uncivilized, prohibited. Sec. 2186. R. S., and J. Res. No. 20, Aug. 5, 1876 (19 Stat. 216).
Arson. Sec. 2143, R. S.
Assault, penalty. Sec. 2142, R. S.
Assault upon United States officials, penalty; jurisdiction of district court. Act June 9, 1888 (25 Stat. 178).
Cattle, sale of, penalty. Act July 4, 1884 (23 Stat. 94).
Children, legitimacy of. Sec. 10, Act of June 7, 1897 (30 Stat. 62).
Citizenship, adopting civilized life and allottees. *See* Naturalization.
Civilized life, protection of. Sec. 2119, R. S.
Commissioner of Indian Affairs, duties. Sec. 463, R. S.
Compensation. Sec. 2076, R. S.
Correspondence to excite to war, penalty. Sec. 2113, R. S.
Crimes, jurisdiction; certain offenses subject to territorial laws. Sec. 9, Act of Mar. 3, 1885 (23 Stat. 385).
General laws respecting, extended to. Sec. 2145, R. S.
Crimes and offenses. Sec. 328, Act Mar. 4, 1909, Criminal Code (35 Stat. 1151).
Detail of Army officers—
for Education of. *See* Details of Army officers.
for Industrial and training schools. *See* Details of Army officers.
Deeds, acknowledgment of by agents. Sec. 2064, R. S.
Disbursing officers, security additional. Sec. 2075, R. S.
Disbursements, mode of. Sec. 2089, R. S.
Depositions, superintendent to take. Sec. 2157, R. S.
Employees not to trade with. Sec. 2078, R. S.
Foreigners entering Indian country without passports, penalty. Sec. 2134, R. S.
Goods—
Mode of distribution. Sec. 2090, R. S.
Proceedings against, for violating revenue laws. Sec. 2125, R. S.
Purchase of. Sec. 2083, R. S., and Act of June 22, 1874 (18 Stat. 176); sec. 7, Act of Mar. 3, 1875 (18 Stat. 450); Act of Aug. 15, 1876 (19 Stat. 196).
Grants or purchases from, Sec. 2116, R. S.
Horse stealing, robbery. Act, Feb. 15, 1888 (25 Stat. 33).
Hostile, annuities. Sec. 2100, R. S.
Hunting on lands, prohibited. Sec. 2137, R. S.
Inspectors. Sec. 2043, R. S.; sec. 6, Act of Feb. 14, 1873 (17 Stat. 463); Act of Mar. 3, 1875 (18 Stat. 422); Act of May 31, 1900 (31 Stat. 224).
Inspectors, powers and duties. Sec. 2045, R. S.
Issues of food, etc., report of number receiving. Sec. 2109, R. S.
Laws for agents. Sec. 7, Act of May 17, 1882. (22 Stat. 88).
Leaves of absence for agents and employees. Sec. 2074, R. S.
Liquors and firearms, sales of, to Indians in Alaska, penalty. Secs. 142 and 466, Act of Mar. 3, 1899 (30 Stat. 1253).
Liquors, sale of, punishment. Sec. 8, Act of Mar. 1, 1895 (28 Stat. 693).
Mails, forgery and depredations. Sec. 2144, R. S.

Indians—Continued.
Oaths—
Administered by agents. Act of Mar. 1, 1899 (30 Stat. 824).
In Pension claims before agents. Sec. 2, Act of July 26, 1892 (27 Stat. 272).
Offices, holding of two, prohibited. Sec. 2074, R. S.
Payments by special agents, compensation, bond. Sec. 11, Act of Mar. 3, 1895 (28 Stat. 910).
Penalties, how recovered. Sec. 2124, R. S.
Police—
Allottees preferred for employment. Sec. 5, Act of Feb. 8, 1887 (24 Stat. 390).
Crimes against, to be tried, district court. Act of Mar. 2, 1887 (24 Stat. 464).
Number of, and rates of pay. Act of May 27, 1878, and Feb. 17, 1879 (20 Stat. 86, 315).
Posse commitatus to be used in executing process. Sec. 2153, R. S.
Process, to be executed by marshals. Act of June 4, 1888 (25 Stat. 167).
Proof, burden of. Sec. 2126, R. S.
Property, injury to, by Indians. Sec. 2156, R. S.
Property, payment for same if reparation can not be made. Sec. 2155, R. S.
Property, reparation for injury. Sec. 2154, R. S.
Purchases, manner of. Sec. 2084, R. S.
Rape. Sec. 5, Act of Jan. 15, 1897 (29 Stat. 487).
Reservation, removal of persons from. Sec. 2149, R. S.
Return to Indian country, penalty. Sec. 2148, R. S.
Schools—
Detail of Army officers for normal and industrial training. *See* Details of Army officers.
Use of vacant military posts and barracks for normal and industrial training. *See* Details of Army officers.
Secretary of the Interior charged with supervision of. Sec. 441, R. S.
Seditious messages—
Carrying, penalty. Sec. 2112, R. S.
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Special agents and commissions. Sec. 2067, R. S.
Stock feeding on Indian lands. Sec. 2117, R. S.
Subagents—
Sec. 2055, R. S.
Interpreters discontinued. Sec. 2073, R. S. and Act of Feb. 27, 1877 (19 Stat. 244).
Supplies, claims for. Sec. 2085, R. S.
Survey of reservations. Sec. 2115, R. S.
Traders—
Except skins and furs, prohibited. Sec. 2135, R. S.
Prohibited by President. Sec. 2132, R. S.
Traders—
Appointee. Sec. 2128, R. S.
Appointment of. Sec. 5, Act of Aug. 15, 1876 (19 Stat. 200).
Traders' license—
Necessity of obtaining and term of. Sec. 2129, R. S.
Refusal of. Sec. 2130, R. S.
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Indians—Continued.
Trading without license, penalty. Sec. 2133, R. S., and Act of July 31, 1882 (22 Stat. 179).
Training school, superintendent, bond. Act of Mar. 3, 1899 (30 Stat. 924).
Traveling expenses. Sec. 2077, R. S.
Treaties—
Abrogation of. Sec. 2080, R. S.; Sec. 2, Act of Mar. 2, 1875 (18 Stat. 449).
None in future. Sec. 2079, R. S., and Sec. 3, Act of June 22, 1874 (18 Stat. 176); Act of June 10, 1876 (19 Stat. 58).
Treaty, violations, goods withheld. Sec. 2101, R. S.
Trespass by chief, cause for suspension. Sec. 2121, R. S.
Trespassing on lands. Sec. 2120, R. S.
Tribes west of Mississippi River under general superintendence of President. Sec. 2114, R. S.
Timber—
Dead and fallen. Act Feb. 16, 1889 (25 Stat. 673).
Depredations. Sec. 5388, R. S.; Act June 4, 1888 (25 Stat. 166).
Two offices, holding prohibited; leaves of absences. Sec. 2074, R. S.
White man marrying an Indian woman not to acquire tribal rights. Act Aug. 9, 1888 (25 Stat. 392).
Indian Wars, pension for services in. *See* Pensions.
Indian Wars, pensions to survivors of certain. Secs. 1–3, Act of Mar. 4, 1917 (39 Stat. 1199).
Indigent soldiers, burial of, in national cemeteries. *See* National cemeteries.
Insane, inmates National Homes for Disabled Volunteer Soldiers, care of. *See* National Homes for Disabled Volunteer Soldiers.
Insane natives, Philippine Islands, serving in Army, care of. *See* Philippine Islands.
Inspector General's Department, appointments in, from Volunteers. Act of Mar. 2, 1901 (31 Stat. 900).
Insular Government, Philippine Islands, salary of Army officers detailed to duty under. *See* Philippine Islands.
Interisland traffic, Philippine Islands, regulations governing. *See* Philippine Islands.
Interior, Department of. *See* Department of the Interior.
International arbitration, courts or other tribunals for settlement of all international disputes by. President authorized to invite all of the great Governments of the world to send representatives to a conference to be charged with the formulation of a plan for. Act of Aug. 29, 1916 (39 Stat. 618).
Appointment by President of nine citizens to be representatives of the United States at such a conference. Id.
Compensation of representatives, etc., to be fixed by President. Appropriation made and set aside for expenses of. Id.
International arbitration, declared policy of United States to settle all of its international disputes by mediation or. Id.
Interstate Commerce Commission, membership enlarged; appointment of new members; general rules, orders, etc.; division of commission authorized; assignment of members and work to divisions; full jurisdiction conferred upon divisions; enforcement of orders; rehearings, etc., etc. Secs. 1–4, Act of Aug. 9, 1917 (40 Stat. 270–272).
Interstate commerce, transportation:
Animals, prevent cruelty; feeding and resting periods. Act of June 29, 1906 (34 Stat. 607).

Interstate commerce, transportation—Continued.
Eight-hour day for employees of carriers engaged in foreign or. Secs. 1–4, Act of Sept. 3–5, 1916 (39 Stat. 721).
Explosives for military. Sec. 232, Act of Mar. 4, 1909 (35 Stat. 1134).
Property of the United States or property to or from fairs or expositions free or at reduced rates. Sec. 22, Act of Feb. 4, 1887 (24 Stat. 380), as amended by Sec. 9, Act of Mar. 2, 1889 (25 Stat. 862).
Quarantine live stock, notice to carriers. Act of Feb. 2, 1903 (32 Stat. 791).
Intervention by United States in Cuban affairs, authorization for *See* Cuba.
Isthmian Canal Commission. (*See also* Panama Canal.)
Appointment, qualifications, duties, etc. Sec. 7, Act of June 28, 1902 (32 Stat. 483).
Appropriations available for payment of obligations of. Sec. 4, Act of May 27, 1908 (35 Stat. 387).
Accounts of, audited by Auditor for War Department. Act of Feb. 3, 1905 (33 Stat. 647).
Canal Zone, leases of land in. Act of Feb. 27, 1909 (35 Stat. 658).
Duties, etc., of. *See* Corps of Engineers.
Employees, leaves of absence to. Act of Feb. 24, 1909 (35 Stat., 645).
Employment of engineers, compensation. Sec. 7, Act of June 28, 1902 (32 Stat. 483).
Engineers, offices for. Sec. 7, Act of June 28, 1902 (32 Stat. 483).
Powers conferred on President may be exercised through. Sec. 5, Act of Feb. 27, 1909 (35 Stat. 658).
Isle of Pines, title to. *See* Cuba.
Judge Advocate General's Department, appointments in, from Volunteers. Act of Mar. 2, 1901 (31 Stat. 900).
Judicial proceedings, evidence, authentication of. *See* Military tribunals.
Jury duty, record of conviction against any child in the Juvenile Court of the District of Columbia not a disqualification for. Act of Apr. 27, 1916 (39 Stat. 56).
Justices of the Peace, Philippine Islands, Army officers to be, in connection with sale of intoxicating liquors. *See* Philippine Islands.
Juvenile court, District of Columbia, record of conviction against any child in, not a disqualification for jury duty, for holding office, or for any other public service under the Federal or District Governments. Act of Apr. 27, 1916 (39 Stat. 56).
"Kyle and Young Canal" and the "Morrison Landing extension" of the same, on the Oklawaha River, Florida, acceptance of title by Secretary of War to the land and navigation improvements, etc. Act of July 27, 1916 (39 Stat. 386).
Canal to become free public waterway of the United States. Id.
Lessees, Potomac Park, District of Columbia, restrictions on. *See* Corps of Engineers.
Land registration, Philippine Islands, procedure in filing claims, etc., in court of. *See* Philippine Islands.
Lands:
Acquisition of, for national cemeteries. *See* National cemeteries.
Condemnation and purchase of, for river and harbor improvement. *See* Corps of Engineers.
Philippine Islands, acquisition of privately owned, for military purposes. *See* Philippine Islands.
Laundresses, hereafter women not allowed to accompany troops as. *See* Army.

Leases:
Land in Canal Zone. *See* Isthmian Canal Commission.
Public lands, Canal Zone. *See* Panama Canal.
Leave of absence, President authorized to grant to officer of Corps of Engineers, to assist Republic of China on reclamation work. *See* Details of Army officers.
Legislative acts, evidence, authentication of. *See* Military tribunals.
Leprosy, home for care and treatment of persons afflicted with. Secretary of War may transfer abandoned military reservation for. Secs. 1–6, Act of Feb. 3, 1917 (39 Stat. 872–3).
Lessees of water power on Muskingum River, Ohio, whose property was destroyed by Ohio Valley flood of March, 1913, relief of. *See* Corps of Engineers.
Library, Surgeon General's office, binding and location of. *See* Medical Department.
Licenses:
Liquor, Philippine Islands, not to be granted on military reservations or within certain areas. *See* Philippine Islands.
Philippine Islands, coastwise and harbor vessels. *See* Philippine Islands.
to Practice medicine or surgery in Alaska, not to apply to emergency medical relief to natives. Sec. 15, Act of Feb. 6, 1909 (35 Stat. 604).
Lighthouse Board, compensation, organization, etc., of. *See* Corps of Engineers.
Lighthouses, construction, inspection, etc., of. *See* Corps of Engineers.
Lincoln Farm Association, acceptance of title from to the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same, and an endowment fund of $50,000 in relation thereto. After acceptance of the property by the President and Secretary of War its control to be under the Secretary of War. Act of July 17, 1916 (39 Stat. 385).
Lincoln memorial:
Approval of plan and design of commission. J. Res. No. 7, Feb. 1, 1913 (37 Stat. 1022).
Authorized, commission created. Act of Feb. 9, 1911 (36 Stat. 898).
Resident commissioner designated, compensation. Act of Mar. 3, 1913 (37 Stat. 731).
Liquor licenses:
Disposition of moneys derived from in Alaska. *See* Alaska.
Philippine Islands, not to be granted on military reservations or within certain areas. *See* Philippine Islands.
Liquors:
National Home for Disabled Volunteer Soldiers, loss of appropriation where permit sale of intoxicating. *See* Medical Department.
Prohibition of manufacture and sale of in Alaska. Secs. 1–33, Act of Feb. 14, 1917 (39 Stat. 903).
Sale of to Indans, punishment. *See* Indians.
State or Territorial homes for disabled soldiers and sailors, loss of appropriation where permit sale of intoxicating. *See* Medical Department.
Locust pest, Philippine Islands, suppression of. *See* Philippine Islands.
Machines, typewriting, restrictions as to price to be paid by Government for. *See* Typewriting machines.
Marine Corps, detail of officers and enlisted men of Navy and, to serve under Government of Republic of Haiti. Secs. 1–5, act of June 12, 1916 (39 Stat. 223).

Marine Corps. Fort Bayard Hospital, treatment of officers and men at. *See* Medical Department.

Marking graves of Confederate dead; provisions for extended to graves of Confederate soldiers and sailors in all National cemeteries and cemeteries at Federal military stations or locations throughout the country. J. Res. No. 7, Mar. 14, 1914 (38 Stat. 768).

Further continuation for two years of provisions relating to, and providing that the registers shall include the time and place of death of each Confederate soldier prisoner of war. J. Res. of Apr. 17, 1916 (39 Stat. 52).

Maryland, temporary cession of jurisdiction to State of over that portion of Fort McHenry Military Reservation which has been leased to the city of Baltimore. J. Res. of Apr. 3, 1916 (39 Stat. 46).

Mears, Frederick, Lieut., detail of to assist in location and construction of Government railroads in Alaska. J. Res. No. 17, May 13, 1914 (38 Stat. 772).

Medals, gold, with thanks of Congress presented to Señors Domicio da Gama, Romulo S. Naón, and Eduardo Suarez for services as mediators between Government of United States and warring parties in Republic of Mexico. J. Res. No. 17, of Mar. 4, 1915 (38 Stat. 1228).

Mediation or arbitration, declared policy of United States to settle all international disputes by. Act of Aug. 29, 1916 (39 Stat. 618).

Mediators, thanks of Congress and gold medals presented to Señors Domicio da Gama, Romulo S. Naón, and Eduardo Suarez for services as between United States and warring parties in Mexico. *See* Medals.

Medical Bulletin, Army, for instruction of medical officers. *See* Medical Department.

Medical Department:

Authorized to sell medical and hospital supplies to soldiers' home at contract price. *See* Soldiers' home.

Commutation direct to soldier, no fee to agent or attorney. Act of Mar. 3, 1891 (26 Stat. 979).

Commutation to persons who can not use artificial limbs. Sec. 4790, R. S.

Fort Bayard Hospital—

Subject to Rules and Articles of War. Act of June 12, 1906 (34 Stat. 255).

to Treat officers and men, Navy and Marine Corps Act of Mar. 2, 1907 (34 Stat. 1172).

Hospital ships, The Hague convention. Sec. 1, Act of Mar. 24, 1908 (35 Stat. 46).

Hot Springs, Ark.—

Creating reservation. Sec. 4, Act of Mar. 3, 1877 (19 Stat., 378); Act of Dec. 16, 1878 (20 Stat., 258); sec. 3, Act of June 16, 1880 (21 Stat. 289).

Estimates, post military establishment. Act of Aug. 4, 1886 (24 Stat. 245); Act of Mar. 3, 1909 (35 Stat. 748).

Hospital, establishment of. Act of June 30, 1882 (22 Stat. 121).

Hot water for additional houses; new bathhouses not to be owned by interested persons. J. Res. No. 8, Mar. 25, 1888 (26 Stat. 619).

Hot water for bathhouses off reservation. J. Res. No. 14, Mar. 3, 1887 (24 Stat. 647).

Hot Springs (S. Dak.) National Sanitarium, establishment. Sec. 1, Act of May 29, 1902 (32 Stat. 282).

Library, binding. Sec. 96, Act of Jan. 12, 1895 (28 Stat. 601).

Library, Surgeon General's Office, Ford's Theater, building for. Act of Apr. 7, 1866 (12 Stat. 23).

Medical Department—Continued.
National Home for Disabled Volunteer Soldiers, appropriation for, not available for any branch which permits sale of intoxicating liquors. Act Aug. 1, 1914 (38 Stat. 642).
Printing and binding, Army Medical Bulletin for instruction of medical officers. Act of Aug. 1, 1914 (38 Stat. 642).
State or Territorial homes for disabled soldiers and sailors, appropriation for, not available for any home which permits sale of intoxicating liquors. Act of Aug. 1, 1914 (38 Stat. 642).
State or Territorial homes for disabled soldiers and sailors, collections from inmates for support of. Act. of Aug. 1, 1914, (38 Stat. 642).
Supply depot at Fort Sam Houston, Tex. Acquisition of additional land for and construction of. Act of Aug. 29, 1916 (39 Stat. 636).
Medical and hospital supplies, Medical Department authorized to sell soldiers' home at contract price. *See* Soldiers' home.
Medical officers, Army Medical Bulletin for instruction of. *See* Medical Department.
Medical officer, detail of, with Red Cross. *See* Details of Army Officers.
Medicine and surgery, license to practice in Alaska not apply to emergency medical relief to natives. Sec. 15, Act of Feb. 6, 1909 (35 Stat. 604).
Memorial amphitheater, Arlington, Va. *See* Arlington memorial amphitheater.
Memorial monument to commemorate the women of the Civil War:
Contribution by the Government for the site and for the building, condition of payment, etc. Act of Oct. 22, 1913 (38 Stat. 233).
Commission to approve site and plans and to supervise expenditures to consist of the Secretary of War, the chairman of the Joint Committee of the Library of Congress, and the president of the American Red Cross. Act of Oct. 22, 1913 (38 Stat. 233).
Commission of Fine Arts also to approve the plans for the memorial. Act of Oct. 22, 1913 (38 Stat. 233).
Memorial to be permanent headquarters of the American Red Cross. Act of Oct. 22, 1913 (38 Stat. 233).
Red Cross, American, to be charged with and responsible for the care, keeping, and maintenance of the memorial and grounds, but the title to the site and building shall be in the United States. Act of Oct. 22, 1913 (38 Stat. 233).
Mexican War, pension for services in. *See* Pensions.
Mexico:
National cemetery near city of, subject to regulations of United States national cemeteries. *See* National cemeteries.
Relief and transportation of American citizens in. Act of Apr. 24, 1914 (38 Stat. 346).
Relief and transportation of destitute American citizens in. J. Res. No. 10, Sept. 16, 1913 (38 Stat. 238).
Relief and transportation of destitute American citizens in. Act of July 14, 1916 (39 Stat. 359).
Thanks of Congress and gold medals presented to Señors Domicio da Gama, Romulo S. Naon, and Eduardo Suarez for services as mediators between United States and warring parties of. *See* Medals.
Midshipmen at United States Naval Academy, three for each Senator, Representative, and Delegate in Congress, one for Porto Rico, two for District of Columbia, 10 appointed each year at large, and 15 appointed annually from enlisted men of the Navy. Act of Feb. 15, 1916 (39 Stat. 9).

Military employees, United States commissioners, not to hold or exercise duties of. *See* Civil office.
Military posts:
Funds for not to be used in establishment of military prisons. *See* Military prisons.
Indian schools, use of vacant barracks and for normal and industrial training. *See* Details of Army officers.
Post traders, vacancies not to be filled. Act of Jan. 28, 1893 (27 Stat. 426).
Military prison:
Convicts limited to actual subsistence. Act of Feb. 25, 1910 (36 Stat. 210).
Fort Leavenworth changed to United States penitentiary under Department of Justice. Act of June 10, 1890 (29 Stat. 380).
Funds for military posts not to be used in establishment of. Act of June 25, 1910 (36 Stat. 721).
Good conduct allowance for prisoners. Secs. 1, 2, and 3, Act of June 21, 1902 (32 Stat. 397).
Military prisoners:
Deduction from sentences for good conduct. *See* Federal prisoners.
Parole of. *See* Federal prisoners.
Military reservations:
Abandoned, disposition of. *See* Public property.
Abandoned, Secretary of War authorized to transfer for use as home for care and treatment of persons afflicted with leprosy. Secs. 1-6, Act of Feb. 3, 1917 (39 Stat. 872-873).
Henry Barracks, Cayey, P. R. Transfer of control and jurisdiction over portion known as Magazine Hill to the Navy Department for naval purposes. Act of Aug. 29, 1916 (39 Stat. 568).
Honolulu, Hawaii, exchange of wharves with the Navy Department. Act of May 12, 1917 (40 Stat. 57).
Miley, Fort, Cal. *See* Winfield Scott, Fort, Cal.
Offenses on, not prohibited by Federal law, punishment of. *See* Public property.
Philippine Islands—
Acquisition of, arrest on, claims for private lands within, etc. *See* Philippine Islands.
Civil authorities not to interfere with military administration of lands reserved for. *See* Philippine Islands.
Liquor licenses not to be granted on or within certain areas. *See* Philippine Islands.
Presidio of San Francisco, civil police may be called upon to make arrests of trespassers, etc. Act of June 4, 1888 (25 Stat. 167).
Presidio of San Francisco, Cal. Consent of United States to the closing of certain public streets of the city of San Francisco east of the eastern boundary of, and their utilization as site for a State normal school, etc. Act of Aug. 29, 1916 (39 Stat. 637).
Presidio of San Francisco, Cal. Panama-Pacific International Exposition Co., and its successors in interest, may be authorized to occupy portion of, with a palace of fine arts. Id.
Extension of cession of jurisdiction to State of California over part to be occupied during such occupancy, and to terminate on revocation of the permit, etc. Id.
Failure to remove the buildings on revocation of the permit to vest title to them in the United States. Id. 638.

Military reservations—Continued.
Presidio of San Francisco, Cal. Convey site of palace of fine arts to California University in exchange for other lands, etc. Act of May 12, 1917 (40 Stat. 57).
Puuloa, Pearl Harbor, Island of Oahu, Territory of Hawaii. Transfer of jurisdiction and control over to the Navy Department for use for naval purposes. Act of Aug. 29, 1916 (39 Stat. 642).
Sam Houston, Fort, Tex. Acquisition of additional land at, and construction of supply depots for the Quartermaster Corps, the Medical Department, the Corps of Engineers, and the Signal Corps. Id. 636.
Shelter, temporary, for troops on Canal Zone. Portion of money appropriated for acquisition of site and construction of, above supply depots may be used for providing. Id.
no Part of money so appropriated to be paid for commutation of fuel or quarters for enlisted men. Id.
Sam Houston, Fort, Tex. Purchase of land for extending reservation, etc. Act of May 12, 1917 (40 Stat. 56).
San Jacinto, Tex., county or city of Galveston and other local interests to quiet all claims to title to. Act of July 27, 1916 (39 Stat. 398).
Schofield Barracks, Territory of Hawaii. The Dowsett Co. (Ltd.) given permission, within a time limit, to remove certain buildings from. Act of Aug. 29, 1916 (39 Stat. 636).
Vancouver Barracks, Wash. Acquisition of additional lands and construction of suitable target ranges, etc., on. Id. 638.
Winfield Scott, Fort, Cal. Construction of road connecting, within the Presidio of San Francisco, Cal., with city and county road leading to Fort Miley. Id. 637.
Wood, Fort (Bedloes Island), New York Harbor, Secretary of War authorized to accept funds raised by popular subscription through the New York World for construction of electric lighting plant for illuminating the Statue of Liberty on. Sec. 5, Act of July 27, 1916 (39 Stat. 411).
Wright, Fort H. G., N. Y. Exchange of right of way to, for easement in other lands. Act of Feb. 14, 1917 (39 Stat. 909).
Military roads:
Atlantic & Pacific Railroad, post route and military road. *See* Transportation.
Northern Pacific Railroad, post route and military road. *See* Transportation.
Southern Pacific Railroad, post route and military road. *See* Transportation.
Union & Central Pacific Railroad, post route and military road. *See* Transportation.
Military service, foreign countries, ministers of United States in, may issue writs to prevent American citizens from enlisting in. *See* Neutrality.
Military supplies, use of, in connection with relief, protection, and transportation of American citizens in Europe, made necessary by existing political disturbances. *See* Europe.
Military telegraph operators, Civil War, record and certificate of service to persons who serve as. Act of Jan. 26, 1897 (29 Stat. 497).
Military tribunals:
Accused may testify. Act of Mar. 16, 1878 (20 Stat. 30).
Constitution, composition, jurisdiction, etc. Act of June 18, 1898 (30 Stat. 483).
Consuls, United States, copies of records, etc. Sec. 896, R. S.

Military tribunals—Continued.
Closed sessions of court-martial trials. Sec. 2, Act of July 27, 1892 (27 Stat. 278).
Embezzlement of public money; transcript of books, Treasury. Sec. 887, R. S.
Evidence, Little & Brown's edition of the statutes to be competent. Sec. 908, R. S.
Evidence, rules, witnesses not excluded on account of color. Sec. 858, R. S., as amended by Act of June 29, 1906 (34 Stat. 618).
Executive departments, records, documents, etc., copies of. Sec. 882, R .S.
Incriminating questions. Sec. 860, R. S.
Journals of Congress. Sec. 895, R. S.
Legislative acts and judicial proceedings, authentication of. Sec. 905, R. S.
Military commissions, spies. Sec. 2, Act of Apr. 10, 1806 (2 Stat. 371); sec. 4, Act of Feb. 13, 1862 (12 Stat. 340); sec. 38, Act of Mar. 3, 1863 (12 Stat. 737).
Prisoners, good conduct allowance. Secs. 1, 2, and 3, Act of June 21, 1902 (32 Stat. 397).
Records not appertaining to court, to be proved. Sec. 906, R. S.
Records, etc., office of Solicitor of the Treasury. Sec. 883, R. S.
Reporters. Sec. 1203, R. S.; sec. 2, Act of June 23, 1874 (18 Stat. 244).
Returns, copies for returns office. Sec. 888, R. S.
Witnesses compelled to attend. Sec. 1202, R. S.
Witnesses, refusal to appear or testify. Act of Mar. 2, 1901 (31 Stat. 950).
Militia:
Arms and equipments, distribution to States. Sec. 1670, R. S.
Arms and ordnance stores, crediting for issue during Civil War. Sec. 3, Act of Mar. 3, 1875 (18 Stat. 455).
District of Columbia—
Militia of—
Authority to make contracts and leases and expenditures for heat, light, etc. Act of Apr. 27, 1904 (33 Stat. 389).
Deduction of pay to reimburse for public property lost, etc.; also providing an allowance for clothing and equipment. Sec. 1, Act of Mar. 2, 1911 (36 Stat. 1004). Also supplementing the ration.
Purchase of supplies and procurement of services for, in open market. Act of May 26, 1908 (35 Stat. 303).
Naval Militia of—
Secs. 1 to 5, Act of May 11, 1898 (30 Stat. 404).
Horses, purchase and maintenance of; use of appropriation forbidding (temporary). Act of Mar. 3, 1909 (35 Stat. 694).
Issue of Springfield rifles to States. Act of Feb. 24, 1897 (29 Stat. 592).
Ordnance and ordnance stores issued to, credit for, Act of Mar. 2, 1889 (25 Stat. 833).
Ordnance and ordnance stores, replacing stores carried into war with Spain. Act of Mar. 3, 1899 (30 Stat. 1073).
Purchase of Army supplies for, credit for. Sec. 3, Act of Feb. 24, 1897 (29 Stat. 592), as amended by Act of Mar. 15, 1898 (30 Stat. 326).
Mining claims, Philippine Islands, on military reservations. *See* Philippine Islands.
Mines, torpedoes, etc., for harbor defenses, injuries to. *See* Corps of Engineers.
Minnesota and North and South Dakotas, consent of Congress to improvement of boundary water by. Sec. 5, Act of Aug. 8, 1917 (40 Stat. 266).

Mississippi Centennial Exposition at Gulfport, Miss., transfer of Government exhibit at the Panama-California International Exposition to, at the close of the last-named exposition. J. Res. of Sept. 8, 1916 (39 Stat. 854).

Government exhibit board authorized to repair and rearrange the Government exhibit before transferring it to the Mississippi Centennial Exposition. Sec. 3, id. 855.

Laws or parts of laws relating to the Government exhibit, a Government exhibit board, including detail of civilians and Army and Navy officers, etc., continued and made applicable to the Mississippi Centennial Exposition. Sec. 2, id. 854.

United States not responsible for any bond, debt, contract, etc., in connection with such exposition. Sec. 4, id. 855.

Mississippi River Commission, creation, duties, headquarters of, etc. *See* Corps of Engineers.

Mississippi River floods, control of, Pars. a-d, Sec. 1, Act of Mar. 1, 1917 (39 Stat. 948).

Mississippi River flood, Secretary of War authorized to loan, issue, or use quartermaster's and medical supplies for relief of destitute persons in districts overflowed by. J. Res. of Feb. 15, 1916 (39 Stat. 11).

Mississippi River flood sufferers of 1916, Secretary of War authorized to relieve with food, supplies of the Quartermaster and Medical Departments, etc. J. Res. of Aug. 3, 1916 (39 Stat. 434).

Mississippi River, piers and cribs in, snag boats and water gauges on, South Pass of, etc. *See* Corps of Engineers.

Missouri Militia, pensionable status of. *See* Pensions.

Missouri River Commission, composition, creation, duties, etc. *See* Corps of Engineers.

Mokuumeume (Fords) Island Naval Reservation, island of Oahu, Territory of Hawaii. Transfer of control and jurisdiction over to War Department for use for military purposes. Act of Aug. 29, 1916 (39 Stat. 568).

Money, Canal Zone, received from service, supplies, etc., disposition of. *See* Panama Canal.

Monuments in national cemeteries, destroying and injuring trees and. *See* National cemeteries.

Moro Province, Philippine Islands, government of, use of Army in aid of civil authorities, etc. *See* Philippine Islands.

Mosquito Creek, South Carolina, declared nonnavigable. Sec. 15, Act of Aug. 8, 1917 (40 Stat. 268).

Murray, Arthur, Maj. Gen., United States Army, retention of on active list until close of Panama-Pacific International Exposition. *See* Army officers.

Muskingum River, Ohio, relief of lessees of water power on, whose property was destroyed by Ohio Valley flood of March, 1913. *See* Corps of Engineers.

Naon, Señor Romulo S., thanks of Congress and gold medal presented to for services as mediator between United States and warring parties in Mexico. *See* Medals.

Narcotics, opium or coca leaves, their salts, derivatives, etc.:

Penalty for possession or control of by persons not registered, etc. Secs. 1–12, Act of Dec. 17, 1914 (38 Stat. 785–790).

National archives building, District of Columbia. *See* Archives building national.

National cemeteries:

Acquisition of lands for, by Secretary of War. Sec. 4870, R. S.

Appraisement of land appropriated for, by court. Sec. 4871, R. S.

National cemeteries—Continued.
Care and preservation of cemetery near Mexico City in which are buried officers and soldiers of the United States. Sec. 4879, R. S.
Cemetery in Mexico to be subject to rules and regulations affecting national cemeteries within the United States. Sec. 4880, R. S.
Criminal offenses, defacing, etc. penalty. Sec. 4881, R. S.
Destroying or injuring monuments, trees, etc., prohibited. Sec. 4881, R. S.
Encroachments by railroads forbidden. Act of Mar. 2, 1895 (28 Stat. 949).
Expenses for burial of ex-Union soldiers, etc., in Arlington Cemetery or other cemeteries in the District of Columbia to be disbursed by Secretary of War. Act of Mar. 3, 1899 (30 Stat. 1108).
Indigent soldiers, burial. Act of Mar. 3, 1899 (30 Stat. 1108), amended by Act of April 28, 1904 (33 Stat. 495); sec. 1, Act of June 25, 1910 (36 Stat. 724).
Land, acquisition of. Sec. 4870, R. S., and Act of July 24, 1876 (19 Stat. 90); Act of Mar. 2, 1877 (19 Stat. 269).
Marking graves of Confederate dead in all cemeteries at Federal military stations, and, or locations throughout the country. *See* Marking graves of Confederate dead.
Mexico:
Near city of. Sec. 4879, R. S.
Subject to rules and regulations of United States national military cemeteries. Sec. 4880, R. S.
Payment for land. Sec. 4872, R. S.
Railroads not to encroach upon. Act of Mar. 2, 1895 (28 Stat. 949); sec. 1, Act of June 25, 1910 (36 Stat. 723); sec. 1, Act of March 4, 1911 (36 Stat. 1389).
Roadways within corporate limits of cities, towns, etc., and not owned by United States not to be repaired, and no appropriation to be used for the maintenance of more than a single approach to. Act of July 1, 1916 (39 Stat. 286).
Secretary of War—
to Appoint superintendents and erect buildings. Sec. 4873, R. S.
to Pay appraised value of lands. Sec. 4872, R. S.
Superintendents are authorized to make arrests. Sec. 2, Act of Mar. 3, 1897 (29 Stat. 621).
Superintendent to make arrests. Sec. 4881, R. S.
National defense, appropriation of $100,000,000 for. Act of April 17, 1917 (40 Stat. 28).
Life of appropriation extended by Act of Dec. 15, 1917 (Pub. 92, 65th Congress, 40 Stat. —).
National defense, issue of bonds to meet expenditures for. Secs. 1–8, Act of Apr. 24, 1917 (40 Stat. 35 37).
Additional issue authorized and borrowing of money, etc., Secs. 1–12. Act of Sept. 24, 1917 (40 Stat. 288-295).
National defense secrets, Philippine Islands, jurisdiction over offense. *See* Philippine Islands.
National defense, stimulating agriculture and facilitating the distribution of agricultural products. Secs. 1–12, Act of Aug. 10, 1917 (40 Stat. 273–276).
National Homes for Disabled Volunteer Soldiers:
Accounts. Act of Aug. 18, 1894 (28 Stat. 411); Act of Mar. 3, 1901 (31 Stat. 1178); Act of Apr. 28, 1904 (33 Stat. 500).
Balances, disposal of. Act of Oct. 2, 1888 (25 Stat. 543).

National Homes for Disabled Volunteer Soldiers—Continued.
Board of managers, appointment of new members. (Pub. Res. No. 54 of Mar. 3, 1917, 39 Stat. 1134.)
Bond, assistant treasurer. Act of June 6, 1900 (31 Stat. 636).
Bonds of depositaries. Sec. 2, Act of July 9, 1886 (24 Stat. 129).
Bonds, officers'. Act of Mar. 3, 1901 (31 Stat. 1178).
Bonds of treasurers. Act of Aug. 18, 1894 (28 Stat. 412).
Branch homes, establishment, sites for. Sec. 4, Act of Mar. 21, 1866 (14 Stat. 10); Sec. 1, Act of Jan. 23, 1873 (17 Stat. 417); sec. 4830, R. S., and Act of July 7, 1898 (30 Stat. 668).
Branches, officers', qualifications. Sec. 4829, R. S., and Act of Apr. 11, 1892 (27 Stat. 15), as amended by Act of June 28, 1902 (32 Stat. 472).
Citizens as managers. Sec. 4826, R. S.
Duties, board of managers. Sec. 4834, R. S.
Election, board of managers. Sec. 4827, R. S., and Act of Mar. 3, 1901 (31 Stat. 1178).
Estimates. Act of Oct. 2, 1888 (25 Stat. 543).
Estimates, detailed. Act of Mar. 3, 1879 (20 Stat. 390).
Estimates, itemized. Act of Aug. 4, 1886 (24 Stat. 251).
Exemptions of medical officers. Act Feb. 9, 1897 (29 Stat. 517).
Expenditures. Act of Mar. 3, 1887 (24 Stat. 539).
Expenses, board of managers. Sec. 4828, R. S., and Act of Aug. 18, 1894 (28 Stat. 412).
Headquarters established and hereafter to be maintained at the Central Branch, National Military Home, Ohio. Act of July 1, 1916 (39 Stat. 297).
Inmates subject to Articles of War. Sec. 4835, R. S. Held in 1870 unconstitutional. In re Kelly, 71 Fed. Rep. 545.
Insane, building for. Act of Mar 3, 1881 (21 Stat. 447).
Insane patients. Act of Aug. 7, 1882 (22 Stat. 330).
Jurisdiction recession, Act of Mar. 3, 1901 (31 Stat. 1175).
Laws, documents, and records to be furnished. Sec. 4837, R. S., and Act of July 26, 1894 (28 Stat. 159).
Loss of appropriation where permit sale of intoxicating liquors. *See* Medical Department.
Mail sent free. Act of Aug. 18, 1894 (28 Stat. 412).
Money, how drawn. Act of Mar. 3, 1875 (18 Stat. 359), amended by Act of Mar. 4, 1909 (35 Stat. 1012).
National sanitarium in connection with, at Hot Springs, S. Dak. *See* Medical Department.
New buildings. Act of Mar. 3, 1879 (20 Stat. 390).
Officers not connected with liquor traffic. Act of Mar. 3, 1887 (24 Stat. 540).
Organization. Sec. 4825, R. S.
Outdoor relief. Act of Aug. 23, 1894 (28 Stat. 492).
Pay, rates, classified. Act of Aug. 18, 1894 (28 Stat. 412); Act of Mar. 2, 1895 (28 Stat. 952).
Pensions due inmates paid to treasurers. Act of Aug. 7, 1882 (22 Stat. 322).
Pensions—
Divided with wife. Sec. 4766, R. S., and Act of Mar. 3, 1899 (30 Stat. 1379).
to Inmates, how paid. Sec. 2, Act of Feb. 26, 1881 (21 Stat. 350); Act of July 1, 1902 (32 Stat. 564).

National Homes for Disabled Volunteer Soldiers—Continued.
Persons entitled to benefits. Sec. 4832, R. S., and sec. 5, Act of July 5, 1884 (23 Stat. 121); sec. 2, Act of Mar. 2, 1887 (24 Stat. 444); sec. 5, Act of July 23, 1888 (25 Stat. 341); Act of May 26, 1900 (31 Stat. 217), amended by Act of Mar. 4, 1909 (35 Stat. 1012), sec. 1, Act of June 25, 1910 (36 Stat. 736); and Act of Mar. 3, 1915 (38 Stat. 853).
Purchases—
by Board of Managers. Act of July 1, 1898 (30 Stat. 640).
Supplies, after advertisement. Act Mar. 3, 1879 (20 Stat. 390); Act of June 11, 1896 (29 Stat. 445).
Receipts from sales. Act of Aug. 18, 1894 (28 Stat. 412).
Repairs, funds for. Act of June 4, 1897 (30 Stat. 54).
Salaries, estimates. Act of Aug. 5, 1892 (27 Stat. 384).
Sites, condemnation of land for. Act of July 19, 1897 (30 Stat. 105).
State and Territorial homes to be paid for care of disabled soldiers and sailors. Sec. 4825, R. S., and Act of Aug. 27, 1888 (25 Stat. 450); Act of Apr. 28, 1904 (33 Stat. 504).
States to pay half. Act of Mar. 2, 1889 (25 Stat. 975); Act of Apr. 28, 1904 (33 Stat. 504); Act of May 28, 1908 (35 Stat. 419); Act of May 4, 1909 (35 Stat. 1012).
Supported by appropriations. Sec. 4831, R. S.; Act of Mar. 3, 1875 (18 Stat. 359).
Transfers of inmates. Act of Aug. 23, 1894 (28 Stat. 492).
Transportation at reduced rates. Sec. 9, Act of Mar. 2, 1889 (25 Stat. 855).
Traveling expenses, officers. Act of Aug. 18, 1894 (28 Stat. 412).
Vacancies occurring in membership of board of managers of, not to be filled until the whole number of members of such board is reduced to five, and thereafter the number of members constituting such board shall not exceed five. Act of June 23, 1913 (38 Stat. 43).
National memorial celebration and peace jubilee to be held at Vicksburg, Miss., during 1917, appropriation for, provisions relative to expenditure of, etc. Act of Sept. 8, 1916 (39 Stat. 812).
National military parks:
Antietam battle field—
Locating, preserving, marking, etc., lines of battle. Act of August 30, 1890 (26 Stat. 401); Act of Aug. 5, 1892 (27 Stat. 377); Act of Mar. 3, 1893 (27 Stat. 599); Act of Mar. 2, 1895 (28 Stat. 950); Act of June 11, 1896 (29 Stat. 443).
Secretary of War to have supervision of. Act of Aug. 30, 1890 (26 Stat. 401).
Chickamauga and Chattanooga National Military Park, establishment of and general provisions concerning. Act of Aug. 19, 1890 (26 Stat. 333); Act of Mar. 3, 1891 (26 Stat. 978); Act of Aug. 5, 1892 (27 Stat. 376); Act of Mar. 3, 1893 (27 Stat. 598); Act of Aug. 18, 1894 (28 Stat. 403); Act of Mar. 2, 1895 (28 Stat. 945).
Donation of cannon, etc. Act of Aug. 5, 1892 (27 Stat. 376).
Donation of land for roads. Act of Mar. 3, 1893 (27 Stat. 599).
Injury to monuments, trees, etc.; penalty. Sec. 10, Act of Aug. 5, 1892 (27 Stat. 376).
Leases of lands within. Act of Aug. 5, 1892 (27 Stat. 376).
Location of State monuments. Act of June 4, 1897 (30 Stat. 43).
Restriction on erection of monuments in. Act of Feb. 26, 1896 (29 Stat. 21).

Leases:
Land in Canal Zone. *See* Isthmian Canal Commission.
Public lands, Canal Zone. *See* Panama Canal.
Leave of absence, President authorized to grant to officer of Corps of Engineers, to assist Republic of China on reclamation work. *See* Details of Army officers.
Legislative acts, evidence, authentication of. *See* Military tribunals.
Leprosy, home for care and treatment of persons afflicted with. Secretary of War may transfer abandoned military reservation for. Secs. 1–6, Act of Feb. 3, 1917 (39 Stat. 872–3).
Lessees of water power on Muskingum River, Ohio, whose property was destroyed by Ohio Valley flood of March, 1913, relief of. *See* Corps of Engineers.
Library, Surgeon General's office, binding and location of. *See* Medical Department.
Licenses:
Liquor, Philippine Islands, not to be granted on military reservations or within certain areas. *See* Philippine Islands.
Philippine Islands, coastwise and harbor vessels. *See* Philippine Islands.
to Practice medicine or surgery in Alaska, not to apply to emergency medical relief to natives. Sec. 15, Act of Feb. 6, 1909 (35 Stat. 604).
Lighthouse Board, compensation, organization, etc., of. *See* Corps of Engineers.
Lighthouses, construction, inspection, etc., of. *See* Corps of Engineers.
Lincoln Farm Association, acceptance of title from to the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same, and an endowment fund of $50,000 in relation thereto. After acceptance of the property by the President and Secretary of War its control to be under the Secretary of War. Act of July 17, 1916 (39 Stat. 385).
Lincoln memorial:
Approval of plan and design of commission. J. Res. No. 7, Feb. 1, 1913 (37 Stat. 1022).
Authorized, commission created. Act of Feb. 9, 1911 (36 Stat. 898).
Resident commissioner designated, compensation. Act of Mar. 3, 1913 (37 Stat. 731).
Liquor licenses:
Disposition of moneys derived from in Alaska. *See* Alaska.
Philippine Islands, not to be granted on military reservations or within certain areas. *See* Philippine Islands.
Liquors:
National Home for Disabled Volunteer Soldiers, loss of appropriation where permit sale of intoxicating. *See* Medical Department.
Prohibition of manufacture and sale of in Alaska. Secs. 1–33, Act of Feb. 14, 1917 (39 Stat. 903).
Sale of to Indans, punishment. *See* Indians.
State or Territorial homes for disabled soldiers and sailors, loss of appropriation where permit sale of intoxicating. *See* Medical Department.
Locust pest, Philippine Islands, suppression of. *See* Philippine Islands.
Machines, typewriting, restrictions as to price to be paid by Government for. *See* Typewriting machines.
Marine Corps, detail of officers and enlisted men of Navy and, to serve under Government of Republic of Haiti. Secs. 1–5, act of June 12, 1916 (39 Stat. 223).

Marine Corps. Fort Bayard Hospital, treatment of officers and men at. *See* Medical Department.

Marking graves of Confederate dead; provisions for extended to graves of Confederate soldiers and sailors in all National cemeteries and cemeteries at Federal military stations or locations throughout the country. J. Res. No. 7, Mar. 14, 1914 (38 Stat. 768).

Further continuation for two years of provisions relating to, and providing that the registers shall include the time and place of death of each Confederate soldier prisoner of war. J. Res. of Apr. 17, 1916 (39 Stat. 52).

Maryland, temporary cession of jurisdiction to State of over that portion of Fort McHenry Military Reservation which has been leased to the city of Baltimore. J. Res. of Apr. 3, 1916 (39 Stat. 46).

Mears, Frederick, Lieut., detail of to assist in location and construction of Government railroads in Alaska. J. Res. No. 17, May 13, 1914 (38 Stat. 772).

Medals, gold, with thanks of Congress presented to Señors Domicio da Gama, Romulo S. Naón, and Eduardo Suarez for services as mediators between Government of United States and warring parties in Republic of Mexico. J. Res. No. 17, of Mar. 4, 1915 (38 Stat. 1228).

Mediation or arbitration, declared policy of United States to settle all international disputes by. Act of Aug. 29, 1916 (39 Stat. 618).

Mediators, thanks of Congress and gold medals presented to Señors Domicio da Gama, Romulo S. Naón, and Eduardo Suarez for services as between United States and warring parties in Mexico. *See* Medals.

Medical Bulletin, Army, for instruction of medical officers. *See* Medical Department.

Medical Department:

Authorized to sell medical and hospital supplies to soldiers' home at contract price. *See* Soldiers' home.

Commutation direct to soldier, no fee to agent or attorney. Act of Mar. 3, 1891 (26 Stat. 979).

Commutation to persons who can not use artificial limbs. Sec. 4790, R. S.

Fort Bayard Hospital—

Subject to Rules and Articles of War. Act of June 12, 1906 (34 Stat. 255).

to Treat officers and men, Navy and Marine Corps Act of Mar. 2, 1907 (34 Stat. 1172).

Hospital ships, The Hague convention. Sec. 1, Act of Mar. 24, 1908 (35 Stat. 46).

Hot Springs, Ark.—

Creating reservation. Sec. 4, Act of Mar. 3, 1877 (19 Stat., 378); Act of Dec. 16, 1878 (20 Stat., 258); sec. 3, Act of June 16, 1880 (21 Stat. 289).

Estimates, post military establishment. Act of Aug. 4, 1886 (24 Stat. 245); Act of Mar. 3, 1909 (35 Stat. 748).

Hospital, establishment of. Act of June 30, 1882 (22 Stat. 121).

Hot water for additional houses; new bathhouses not to be owned by interested persons. J. Res. No. 8, Mar. 25, 1888 (26 Stat. 619).

Hot water for bathhouses off reservation. J. Res. No. 14, Mar. 3, 1887 (24 Stat. 647).

Hot Springs (S. Dak.) National Sanitarium, establishment. Sec. 1, Act of May 29, 1902 (32 Stat. 282).

Library, binding. Sec. 96, Act of Jan. 12, 1895 (28 Stat. 601).

Library, Surgeon General's Office, Ford's Theater, building for. Act of Apr. 7, 1866 (12 Stat. 23).

National Parks—Continued.
Yellowstone National Park—Continued.
Secretary of Interior to have control. Sec. 2475, R. S.
Secretary of the Interior to make regulations for management, care, and protection of. Sec. 4, Act of May 7, 1894 (28 Stat. 73).
Under exclusive jurisdiction of the United States. Sec. 1, Act of May 7, 1894 (28 Stat. 73).
Yosemite; employment of military force to prevent trespassers or intruders from destroying the game or objects of curiosity therein. Act of June 6, 1900 (31 Stat. 618).
National Sanitarium, Hot Springs, S. Dak., in connection with National Home for Disabled Volunteer Soldiers. *See* Medical Department.
Native wines, Philippine Islands, sale of, to soldiers, etc. *See* Philippine Islands.
Naturalization:
Alien enemies not admitted. Sec. 2171, R. S.
Aliens of African nativity and descent. Sec. 2169, R. S.; and Act of Feb. 18, 1875 (18 Stat. 318).
Aliens, declared intention, oath, residence, etc. Sec. 2165, R. S.; and Act of Feb. 1, 1876 (19 Stat. 2) replaced by secs. 3 and 4, Act of June 29, 1906 (34 Stat. 596).
Children of naturalized persons. Sec. 2172, R. S., as amended by sec. 5, Act of Mar. 2, 1907 (34 Stat. 1229).
Declaration of intention, how made. Sec. 5, Act of June 29, 1906 (34 Stat. 598).
False certificate of citizenship, penalty. Sec. 74, Act of Mar. 4, 1909, Criminal Code (35 Stat. 1102).
Indians adopting civilized life and allottees. Sec. 6, Act of Feb. 8, 1887 (24 Stat. 390).
Minor residents. Sec. 2167, R. S., replaced by sec. 4, Act of June 29, 1906 (34 Stat. 596).
Petitions filed in term time or vacation. Sec. 6, Act of June 29, 1906 (34 Stat. 598).
Residence required. Sec. 2170, R. S., as amended by sec. 10, Act of June 29, 1906 (34 Stat. 599).
Restrictions, qualifications, procedure, etc. Act of June 29, 1906 (34 Stat. 598).
Widow and dependent children of declarants. Sec. 2168, R. S., replaced by sec. 4, Act of June 29, 1906 (34 Stat. 598).
Naval Academy, United States, appointment of 3 midshipmen at, for each Senator, Representative, and Delegate in Congress, 1 for Porto Rico, 2 for District of Columbia, 10 appointed each year at large, and 15 appointed annually from enlisted men of the Navy. Act of Feb. 15, 1916 (39 Stat. 9).
Naval Militia, District of Columbia, authorization of, etc. *See* Militia.
Naval radio station, Canal Zone. *See* Panama Canal.
Naval radio stations: Lands of the United States under control of a particular department or other branch of the Government that have been or may hereafter be mutually selected as site for naval radio station may be transferred to control and jurisdiction of Navy Department for use as radio stations or other naval purposes. Act of Aug. 29, 1916 (39 Stat. 606).
Naval reservation, Fords (Mokuumeume) Island, island of Oahu, Territory of Hawaii. Transfer of control and jurisdiction over portion of, to War Department for military purposes. Act of Aug. 29, 1916 (39 Stat. 568).

Military employees, United States commissioners, not to hold or exercise duties of. *See* Civil office.
Military posts:
Funds for not to be used in establishment of military prisons. *See* Military prisons.
Indian schools, use of vacant barracks and for normal and industrial training. *See* Details of Army officers.
Post traders, vacancies not to be filled. Act of Jan. 28, 1893 (27 Stat. 426).
Military prison:
Convicts limited to actual subsistence. Act of Feb. 25, 1910 (36 Stat. 210).
Fort Leavenworth changed to United States penitentiary under Department of Justice. Act of June 10, 1896 (29 Stat. 380).
Funds for military posts not to be used in establishment of. Act of June 25, 1910 (36 Stat. 721).
Good conduct allowance for prisoners. Secs. 1, 2, and 3, Act of June 21, 1902 (32 Stat. 397).
Military prisoners:
Deduction from sentences for good conduct. *See* Federal prisoners.
Parole of. *See* Federal prisoners.
Military reservations:
Abandoned, disposition of. *See* Public property.
Abandoned, Secretary of War authorized to transfer for use as home for care and treatment of persons afflicted with leprosy. Secs. 1-6, Act of Feb. 3, 1917 (39 Stat. 872-873).
Henry Barracks, Cayey, P. R. Transfer of control and jurisdiction over portion known as Magazine Hill to the Navy Department for naval purposes. Act of Aug. 29, 1916 (39 Stat. 568).
Honolulu, Hawaii, exchange of wharves with the Navy Department. Act of May 12, 1917 (40 Stat. 57).
Miley, Fort, Cal. *See* Winfield Scott, Fort, Cal.
Offenses on, not prohibited by Federal law, punishment of. *See* Public property.
Philippine Islands—
Acquisition of, arrest on, claims for private lands within, etc. *See* Philippine Islands.
Civil authorities not to interfere with military administration of lands reserved for. *See* Philippine Islands.
Liquor licenses not to be granted on or within certain areas. *See* Philippine Islands.
Presidio of San Francisco, civil police may be called upon to make arrests of trespassers, etc. Act of June 4, 1888 (25 Stat. 167).
Presidio of San Francisco, Cal. Consent of United States to the closing of certain public streets of the city of San Francisco east of the eastern boundary of, and their utilization as site for a State normal school, etc. Act of Aug. 29, 1916 (39 Stat. 637).
Presidio of San Francisco, Cal. Panama-Pacific International Exposition Co., and its successors in interest, may be authorized to occupy portion of, with a palace of fine arts. Id.
Extension of cession of jurisdiction to State of California over part to be occupied during such occupancy, and to terminate on revocation of the permit, etc. Id.
Failure to remove the buildings on revocation of the permit to vest title to them in the United States. Id. 638.

Nonindebtedness, Army officers accountable for public property to secure certificates of, before discharge. *See* Public property.
North Carolina flood sufferers of 1916, Secretary of War authorized to relieve with food, supplies of Quartermaster and Medical Departments, etc. J. Res. of Aug. 3, 1916 (39 Stat. 434).
North Dakota, South Dakota, and Minnesota, consent of Congress to improvement of boundary waters by. Sec. 5, Act of Aug. 8, 1917 (40 Stat. 266).
Northern Pacific Railroad, post route and military road. *See* Transportation.
Nurses, Army, pensionable status. *See* Pensions.
Oaths:
Pension claims, etc., before authorized officer. *See* Pensions.
Philippine Islands, who may administer. *See* Philippine Islands.
Postmasters may administer, as to pension matters. *See* Pensions.
Offenses on high seas, Philippine Islands, jurisdiction over. *See* Philippine Islands.
Offenses on military reservations, not prohibited by Federal law, how punished. *See* Public property.
Office, right to hold not forfeited on conviction in the juvenile court, District of Columbia. Act of Apr. 27, 1916 (39 Stat. 56).
Officers and employees, use of, in affording relief, protection, and transportation to American citizens in Europe, made necessary by existing political disturbances. *See* Europe.
Officers, use of names of for advertising purposes by attorneys practicing before executive departments. Act of Apr. 27, 1916 (29 Stat. 54).
Official business, subsistence allowance to be paid to persons traveling outside the District of Columbia on. *See* District of Columbia.
Ohio River improvement as to locks and dams, etc., not placed under jurisdiction of the Mississippi River Commission in the extension of the jurisdiction of the commission to certain tributaries of Mississippi River. Act of July 27, 1916 (39 Stat. 402).
Ohio Valley flood of March, 1913, relief of lessees of waterpower on Muskingum River, Ohio, whose property was destroyed by. *See* Corps of Engineers.
Oklahoma, reimbursement for camp, etc., expenses, 1910, 1911. Act of May 12, 1917 (40 Stat. 66).
Oklawaha River, Fla.:
Transfer of title to the United States to the "Kyle and Young Canal" and the "Morrison Landing extension" of the same, etc. Act of July 27, 1916 (39 Stat. 396).
Canal to become a public waterway of the United States. Id.
Ordnance and ordnance stores:
Issue to the militia, credit to appropriation for. *See* Militia.
Replacing stores carried into war with Spain. *See* Militia.
Sale of rifles, etc., to Cuba. *See* Cuba.
Palace of Fine Arts, permit to Panama-Pacific International Exposition, and its successors in interest, to occupy portion of Presidio of San Francisco Military Reservation, Cal., with. Act of Aug. 29, 1916 (39 Stat. 637).
Extension of cession of jurisdiction to State of California over part so occupied during such occupancy, and to terminate on revocation of permit, etc. Id.
Failure to remove the buildings on revocation of the permit to vest title to them in the United States. Id. 638.
Transfer of site of to California University in exchange for other lands. Act of May 12, 1917 (40 State. 57).

Military tribunals—Continued.
Closed sessions of court-martial trials. Sec. 2, Act of July 27, 1892 (27 Stat. 278).
Embezzlement of public money; transcript of books, Treasury. Sec. 887, R. S.
Evidence, Little & Brown's edition of the statutes to be competent. Sec. 908, R. S.
Evidence, rules, witnesses not excluded on account of color. Sec. 858, R. S., as amended by Act of June 29, 1906 (34 Stat. 618).
Executive departments, records, documents, etc., copies of. Sec. 882, R .S.
Incriminating questions. Sec. 860, R. S.
Journals of Congress. Sec. 895, R. S.
Legislative acts and judicial proceedings, authentication of. Sec. 905, R. S.
Military commissions, spies. Sec. 2, Act of Apr. 10, 1806 (2 Stat. 371); sec. 4, Act of Feb. 13, 1862 (12 Stat. 340); sec. 38, Act of Mar. 3, 1863 (12 Stat. 737).
Prisoners, good conduct allowance. Secs. 1, 2, and 3, Act of June 21, 1902 (32 Stat. 397).
Records not appertaining to court, to be proved. Sec. 906, R. S.
Records, etc., office of Solicitor of the Treasury. Sec. 883, R. S.
Reporters. Sec. 1203, R. S.; sec. 2, Act of June 23, 1874 (18 Stat. 244).
Returns, copies for returns office. Sec. 888, R. S.
Witnesses compelled to attend. Sec. 1202, R. S.
Witnesses, refusal to appear or testify. Act of Mar. 2, 1901 (31 Stat. 950).
Militia:
Arms and equipments, distribution to States. Sec. 1670, R. S.
Arms and ordnance stores, crediting for issue during Civil War. Sec. 3, Act of Mar. 3, 1875 (18 Stat. 455).
District of Columbia—
Militia of—
Authority to make contracts and leases and expenditures for heat, light, etc. Act of Apr. 27, 1904 (33 Stat. 389).
Deduction of pay to reimburse for public property lost, etc.; also providing an allowance for clothing and equipment. Sec. 1, Act of Mar. 2, 1911 (36 Stat. 1004). Also supplementing the ration.
Purchase of supplies and procurement of services for, in open market. Act of May 26, 1908 (35 Stat. 303).
Naval Militia of—
Secs. 1 to 5, Act of May 11, 1898 (30 Stat. 404).
Horses, purchase and maintenance of; use of appropriation forbidding (temporary). Act of Mar. 3, 1909 (35 Stat. 694).
Issue of Springfield rifles to States. Act of Feb. 24, 1897 (29 Stat. 592).
Ordnance and ordnance stores issued to, credit for, Act of Mar. 2, 1889 (25 Stat. 833).
Ordnance and ordnance stores, replacing stores carried into war with Spain. Act of Mar. 3, 1899 (30 Stat. 1073).
Purchase of Army supplies for, credit for. Sec. 3, Act of Feb. 24, 1897 (29 Stat. 592), as amended by Act of Mar. 15, 1898 (30 Stat. 326).
Mining claims, Philippine Islands, on military reservations. *See* Philippine Islands.
Mines, torpedoes, etc., for harbor defenses, injuries to. *See* Corps of Engineers.
Minnesota and North and South Dakotas, consent of Congress to improvement of boundary water by. Sec. 5, Act of Aug. 8, 1917 (40 Stat. 266).

Panama Canal. *See also* Isthmian Canal Commission—Continued.
Canal Zone—Continued.
Customs duties on imports from, reappropriated for construction. Sec. 5, Act of May 27, 1908 (35 Stat. 387).
Customs officers, fees of, for certificates, etc., or notarial service. Sec. 8, Act of Aug. 21, 1916 (39 Stat. 528).
Deposit money orders, interest on payable from bank interest on money-order funds. Sec. 7, id.
Deposit money orders issued in lieu of postal savings certificates to bear interest. Sec. 6, id.
Disorderly, indecent, or immoral conduct, unlawful to engage in or permit. Sec. 4, id.
Docks, storehouses, etc., establishment of. Sec. 6, Act of Aug. 24, 1912 (37 Stat. 564).
Extent of; acquirement of additional land. Act of Aug. 24, 1912 (37 Stat. 560).
Fees of customs officers for certificates or notarial service. Sec. 8, Act of Aug. 21, 1916 (39 Stat. 528).
Health regulations to be prescribed by President. Sec. 1, id. 527.
Immigration regulations as to persons entering or passing over. Sec. 10, id. 529.
Detention and return of persons entering in violation of regulations. Id.
Fine imposed on vessels for violation of regulations. Id.
Penalty for violation of regulations. Id.
Vessels required to return persons, withholding of clearance, etc. Id.
Immoral, indecent, or disorderly conduct, unlawful to engage in or permit. Sec. 4, id. 528.
Injury or obstruction to Panama Canal or locks. Sec. 10, id. 529.
Penalty for. Id.
Penalty for, where act causes death of any person. Id.
Interest, deposit money orders issued in lieu of postal saving certificates to bear. Sec. 6, id. 528.
Interest on deposit money orders to be paid from bank interest on money order funds. Sec. 7, id.
Land, survey of. Sec. 4, Act of Feb. 27, 1909 (35 Stat. 658).
Leases of public lands in. Secs. 1, 2, 3, id.
Naval radio stations, establishment of. Sec. 6, Act of Aug. 24, 1912 (37 Stat. 563).
Not embraced by term "United States" in immigration act. Sec. 33, Act of Feb. 20, 1907 (34 Stat. 908).
Notarial service, fees of customs officers for performing. Sec. 8, Act of Aug. 21, 1916 (39 Stat. 528).
Police power, rules and regulations for asserting and exercising. Sec. 4, Act of Aug. 21, 1916 (39 Stat. 528).
Police regulations, penalty for violating. Sec. 5, id.
Possession and occupation. Act of Apr. 28, 1904 (33 Stat. 429).
Postal savings certificates, deposit money orders issued in lieu of, to bear interest. Sec. 6, Act of Aug. 21, 1916 (39 Stat. 528).
Postal service losses, payable from bank interest on money order funds. Sec. 7, id.
Quarantine regulations to be prescribed by President. Sec. 1, id. 527.
Penalty for violating. Id.

National cemeteries—Continued.
Care and preservation of cemetery near Mexico City in which are buried officers and soldiers of the United States. Sec. 4879, R. S.
Cemetery in Mexico to be subject to rules and regulations affecting national cemeteries within the United States. Sec. 4880, R. S.
Criminal offenses, defacing, etc. penalty. Sec. 4881, R. S.
Destroying or injuring monuments, trees, etc., prohibited. Sec. 4881, R. S.
Encroachments by railroads forbidden. Act of Mar. 2, 1895 (28 Stat. 949).
Expenses for burial of ex-Union soldiers, etc., in Arlington Cemetery or other cemeteries in the District of Columbia to be disbursed by Secretary of War. Act of Mar. 3, 1899 (30 Stat. 1108).
Indigent soldiers, burial. Act of Mar. 3, 1899 (30 Stat. 1108), amended by Act of April 28, 1904 (33 Stat. 495); sec. 1, Act of June 25, 1910 (36 Stat. 724).
Land, acquisition of. Sec. 4870, R. S., and Act of July 24, 1876 (19 Stat. 90); Act of Mar. 2, 1877 (19 Stat. 269).
Marking graves of Confederate dead in all cemeteries at Federal military stations, and, or locations throughout the country. *See* Marking graves of Confederate dead.
Mexico:
Near city of. Sec. 4879, R. S.
Subject to rules and regulations of United States national military cemeteries. Sec. 4880, R. S.
Payment for land. Sec. 4872, R. S.
Railroads not to encroach upon. Act of Mar. 2, 1895 (28 Stat. 949); sec. 1, Act of June 25, 1910 (36 Stat. 723); sec. 1, Act of March 4, 1911 (36 Stat. 1399).
Roadways within corporate limits of cities, towns, etc., and not owned by United States not to be repaired, and no appropriation to be used for the maintenance of more than a single approach to. Act of July 1, 1916 (39 Stat. 286).
Secretary of War—
to Appoint superintendents and erect buildings. Sec. 4873, R. S.
to Pay appraised value of lands. Sec. 4872, R. S.
Superintendents are authorized to make arrests. Sec. 2, Act of Mar. 3, 1897 (29 Stat. 621).
Superintendent to make arrests. Sec. 4881, R. S.
National defense, appropriation of $100,000,000 for. Act of April 17, 1917 (40 Stat. 28).
Life of appropriation extended by Act of Dec. 15, 1917 (Pub. 92, 65th Congress, 40 Stat. —).
National defense, issue of bonds to meet expenditures for. Secs. 1–8, Act of Apr. 24, 1917 (40 Stat. 35–37).
Additional issue authorized and borrowing of money, etc., Secs. 1–12, Act of Sept. 24, 1917 (40 Stat. 288–295).
National defense secrets, Philippine Islands, jurisdiction over offense. *See* Philippine Islands.
National defense, stimulating agriculture and facilitating the distribution of agricultural products. Secs. 1–12, Act of Aug. 10, 1917 (40 Stat. 273–276).
National Homes for Disabled Volunteer Soldiers:
Accounts. Act of Aug. 18, 1894 (28 Stat. 411); Act of Mar. 3, 1901 (31 Stat. 1178); Act of Apr. 28, 1904 (33 Stat. 500).
Balances, disposal of. Act of Oct. 2, 1888 (25 Stat. 543).

National Homes for Disabled Volunteer Soldiers—Continued.
Board of managers, appointment of new members. (Pub. Res. No. 54 of Mar. 3, 1917, 39 Stat. 1134.)
Bond, assistant treasurer. Act of June 6, 1900 (31 Stat. 636).
Bonds of depositaries. Sec. 2, Act of July 9, 1886 (24 Stat. 129).
Bonds, officers'. Act of Mar. 3, 1901 (31 Stat. 1178).
Bonds of treasurers. Act of Aug. 18, 1894 (28 Stat. 412).
Branch homes, establishment, sites for. Sec. 4, Act of Mar. 21, 1866 (14 Stat. 10); Sec. 1, Act of Jan. 23, 1873 (17 Stat. 417); sec. 4830, R. S., and Act of July 7, 1898 (30 Stat. 668).
Branches, officers', qualifications. Sec. 4829, R. S., and Act of Apr. 11, 1892 (27 Stat. 15), as amended by Act of June 28, 1902 (32 Stat. 472).
Citizens as managers. Sec. 4826, R. S.
Duties, board of managers. Sec. 4834, R. S.
Election, board of managers. Sec. 4827, R. S., and Act of Mar. 3, 1901 (31 Stat. 1178).
Estimates. Act of Oct. 2, 1888 (25 Stat. 543).
Estimates, detailed. Act of Mar. 3, 1879 (20 Stat. 390).
Estimates, itemized. Act of Aug. 4, 1886 (24 Stat. 251).
Exemptions of medical officers. Act Feb. 9, 1897 (29 Stat. 517).
Expenditures. Act of Mar. 3, 1887 (24 Stat. 539).
Expenses, board of managers. Sec. 4828, R. S., and Act of Aug. 18, 1894 (28 Stat. 412).
Headquarters established and hereafter to be maintained at the Central Branch, National Military Home, Ohio. Act of July 1, 1916 (39 Stat. 297).
Inmates subject to Articles of War. Sec. 4835, R. S. Held in 1870 unconstitutional. In re Kelly, 71 Fed. Rep. 545.
Insane, building for. Act of Mar 3, 1881 (21 Stat. 447).
Insane patients. Act of Aug. 7, 1882 (22 Stat. 330).
Jurisdiction recession, Act of Mar. 3, 1901 (31 Stat. 1175).
Laws, documents, and records to be furnished. Sec. 4837, R. S., and Act of July 26, 1894 (28 Stat. 159).
Loss of appropriation where permit sale of intoxicating liquors. *See* Medical Department.
Mail sent free. Act of Aug. 18, 1894 (28 Stat. 412).
Money, how drawn. Act of Mar. 3, 1875 (18 Stat. 359), amended by Act of Mar. 4, 1909 (35 Stat. 1012).
National sanitarium in connection with, at Hot Springs, S. Dak. *See* Medical Department.
New buildings. Act of Mar. 3, 1879 (20 Stat. 390).
Officers not connected with liquor traffic. Act of Mar. 3, 1887 (24 Stat. 540).
Organization. Sec. 4825, R. S.
Outdoor relief. Act of Aug. 23, 1894 (28 Stat. 492).
Pay, rates, classified. Act of Aug. 18, 1894 (28 Stat. 412); Act of Mar. 2, 1895 (28 Stat. 952).
Pensions due inmates paid to treasurers. Act of Aug. 7, 1882 (22 Stat. 322).
Pensions—
Divided with wife. Sec. 4766, R. S., and Act of Mar. 3, 1899 (30 Stat. 1379).
to Inmates, how paid. Sec. 2, Act of Feb. 26, 1881 (21 Stat. 350); Act of July 1, 1902 (32 Stat. 564).

National Homes for Disabled Volunteer Soldiers—Continued.
Persons entitled to benefits. Sec. 4832, R. S., and sec. 5, Act of July 5, 1884 (23 Stat. 121); sec. 2, Act of Mar. 2, 1887 (24 Stat. 444); sec. 5. Act of July 23, 1888 (25 Stat. 341); Act of May 26, 1900 (31 Stat. 217), amended by Act of Mar. 4, 1909 (35 Stat. 1012), sec. 1, Act of June 25, 1910 (36 Stat. 736); and Act of Mar. 3, 1915 (38 Stat. 853).
Purchases—
by Board of Managers. Act of July 1, 1898 (30 Stat. 640).
Supplies, after advertisement. Act Mar. 3, 1879 (20 Stat. 390); Act of June 11, 1896 (29 Stat. 445).
Receipts from sales. Act of Aug. 18, 1894 (28 Stat. 412).
Repairs, funds for. Act of June 4, 1897 (30 Stat. 54).
Salaries, estimates. Act of Aug. 5, 1892 (27 Stat. 384).
Sites, condemnation of land for. Act of July 19, 1897 (30 Stat. 105).
State and Territorial homes to be paid for care of disabled soldiers and sailors. Sec. 4825. R. S., and Act of Aug. 27, 1888 (25 Stat. 450); Act of Apr. 28, 1904 (33 Stat. 504).
States to pay half. Act of Mar. 2, 1889 (25 Stat. 975); Act of Apr. 28, 1904 (33 Stat. 504); Act of May 28, 1908 (35 Stat. 419); Act of May 4, 1909 (35 Stat. 1012).
Supported by appropriations. Sec. 4831, R. S.; Act of Mar. 3, 1875 (18 Stat. 359).
Transfers of inmates. Act of Aug. 23, 1894 (28 Stat. 492).
Transportation at reduced rates. Sec. 9, Act of Mar. 2, 1889 (25 Stat. 855).
Traveling expenses, officers. Act of Aug. 18, 1894 (28 Stat. 412).
Vacancies occurring in membership of board of managers of, not to be filled until the whole number of members of such board is reduced to five, and thereafter the number of members constituting such board shall not exceed five. Act of June 23, 1913 (38 Stat. 43).
National memorial celebration and peace jubilee to be held at Vicksburg, Miss., during 1917, appropriation for, provisions relative to expenditure of, etc. Act of Sept. 8, 1916 (39 Stat. 812).
National military parks:
Antietam battle field—
Locating, preserving, marking, etc., lines of battle. Act of August 30, 1890 (26 Stat. 401); Act of Aug. 5, 1892 (27 Stat. 377); Act of Mar. 3, 1893 (27 Stat. 599); Act of Mar. 2, 1895 (28 Stat. 950); Act of June 11, 1896 (29 Stat. 443).
Secretary of War to have supervision of. Act of Aug. 30, 1890 (26 Stat. 401).
Chickamauga and Chattanooga National Military Park, establishment of and general provisions concerning. Act of Aug. 19, 1890 (26 Stat. 333); Act of Mar. 3, 1891 (26 Stat. 978); Act of Aug. 5, 1892 (27 Stat. 376); Act of Mar. 3, 1893 (27 Stat. 598); Act of Aug. 18, 1894 (28 Stat. 403); Act of Mar. 2, 1895 (28 Stat. 945).
Donation of cannon, etc. Act of Aug. 5, 1892 (27 Stat. 376).
Donation of land for roads. Act of Mar. 3, 1893 (27 Stat. 599).
Injury to monuments, trees, etc.; penalty. Sec. 10, Act of Aug. 5, 1892 (27 Stat. 376).
Leases of lands within. Act of Aug. 5, 1892 (27 Stat. 376).
Location of State monuments. Act of June 4, 1897 (30 Stat. 43).
Restriction on erection of monuments in. Act of Feb. 26, 1896 (29 Stat. 21).

National military parks—Continued.
Chickamauga and Chattanooga National Military Parks, etc.—Continued.
Right of way to Chattanooga Rapid Transit Co. Act of May 7, 1898 (30 Stat. 399).
States may ascertain and mark lines of battle therein. Sec. 8, Act of Aug. 19, 1899 (26 tSat. 333).
Use of material in park in erection of monuments by Statutes. Joint Res. No. 8, Oct. 2, 1893 (28 Stat. 12).
Commissions—
Vacancies occurring by death or resignation in offices of commissioners not to be filled. Act of Aug. 24, 1912 (37 Stat. 442).
Vacancies, until vacation by all members, to be filled by Secretary of War as member ex officio; and after such vacation duties to be performed under the Secretary of War. Id.
Gettysburg National Park—
Acceptance of land from Battlefield Memorial Association. Act of Feb. 11, 1895 (28 Stat. 651).
Acquisition of additional land. Secs. 4, 5, and 9, Act of Feb. 11, 1895 (28 Stat. 651).
Acquisition of lands. Joint Res. No. 30, June 5, 1894 (28 Stat. 584).
Commissioners, compensation, duty, etc. Sec. 3, Act of Feb. 11, 1895 (28 Stat. 651).
Continuing surveys, improvements, etc. Act of Aug. 18, 1894 (28 Stat. 405).
Destroying, injuring, etc., statues, fences, shrubbery, trees, etc.; penalty. Sec. 7, Act of Feb. 11, 1895 (28 Stat. 651).
Erection of monuments. Act of Mar. 3, 1887 (24 Stat. 535); Act of Oct. 2, 1888 (25 Stat. 538); sec. 8, Act of Feb. 11, 1895 (28 Stat. 651).
Improvement of roads, etc. Act of June 10, 1896 (29 Stat. 384).
Lease of lands within. Act of June 4, 1897 (30 Stat. 44).
Monuments and avenues for marking positions of troops, etc. Act of Mar. 3, 1893 (27 Stat. 599).
Purchase of additional lands for. Act of May 12, 1917 (40 Stat. 59).
Secretary of War to provide regulations. Sec. 6, Act of Feb. 11, 1895 (28 Stat. 651).
Specimens of arms, etc., used in battle to be furnished. Act of July 27, 1892 (27 Stat. 276).
Guilford Courthouse National Military Park—
Boundaries of. Sec. 1, Act of Mar. 2, 1917 (39 Stat. 996).
Commissioners for. Sec. 4, id., 997.
Duties of commissioners. Sec. 5, id., 998.
Establishment of. Sec. 1, id., 996.
Mutilation of monuments, etc., on. Sec. 7, id., 998.
Pay of commissioners. Sec. 4, id., 997.
Placed under control of Secretary of War. Sec. 2, id., 997.
Secretary of War may acquire additions to. Sec. 3, id., 997.
States may mark lines of battle, etc., on. Sec. 6, id., 998.
Trespassing upon, etc. Sec. 7, id., 998.
Shiloh National Military Park—
Appropriation for, etc. Sec. 8, Act of Dec. 27, 1894 (28 Stat., 597).
Commissioners, compensation, duty, etc. Secs. 4 and 5, Act of Dec. 27, 1894 (28 Stat. 597).
Condemned cannon balls, etc., to be furnished to. Act of June 11, 1896 (29 Stat. 442).

National military parks—Continued.
Shiloh National Military Park—Continued.
Establishment of, and general provisions. Act of Dec. 27, 1894 (28 Stat. 597).
Injuring or destroying monuments, fences, shrubbery, trees, etc. Sec. 7, Act of Dec. 27, 1894 (28 Stat. 597).
Leases of lands within. Sec. 3, Act of Dec. 27, 1894 (28 Stat. 597).
Location of office, limitation on purchase of land, etc. Act of Mar. 2, 1895 (28 Stat. 945).
Marking lines of battle, etc. Sec. 6, Act of Dec. 27, 1894 (28 Stat. 597).
Vicksburg National Military Park—
Acquisition of lands for. Sec. 2, Act of Feb. 21, 1899 (30 Stat. 841).
Commissioners, duties, salary, etc. Secs. 4 and 5, Act of Feb. 21, 1899 (30 Stat. 842).
Construction of. Sec. 8, Act of Feb. 21, 1899 (30 Stat. 843).
Establishment of, extent, etc. Act of Feb. 21, 1899 (30 Stat. 841).
Injury to monuments, trees, etc.; Penalty. Sec. 7, Act of Feb. 21, 1899 (30 Stat. 843).
Leases of lands within. Sec. 3, Act of Feb. 21, 1899 (30 Stat. 841).
State monuments, erection. Sec. 6, Act of Feb. 21, 1899 (30 Stat. 842).
National parks:
Ejectments from lands purchased for. Sec. 4, Act of Mar. 3, 1897 (29 Stat. 621).
General Grant; employment of military force to prevent trespassers or intruders from destroying the game or objects of curiosity therein. Act of June 8, 1900 (31 Stat. 618).
Penalty for hunting, shooting, trespassing, etc. Act of Mar. 3, 1897 (29 Stat. 621).
Removal of trespassers, etc., from General Grant, Sequoia, and Yosemite. See Employment of military force.
Sequoia; employment of military force to prevent trespassers or intruders from destroying the game or objects of curiosity therein. Act of June 6, 1900 (31 Stat. 618).
Yellowstone National Park—
Belongs to judicial district of Wyoming. Sec. 2, Act of May 7, 1894 (28 Stat. 73).
Commissioners, duties of: Trials of offenders, appeals, limits of authority, etc. Secs. 5 and 7, Act of May 7, 1894 (28 Stat. 73).
Deputy marshals and terms of court. Sec. 6, Act of May 7, 1894 (28 Stat. 73).
Employees; appointment, compensation, etc. Act of Mar. 3, 1883 (22 Stat. 626).
Establishment. Sec. 2474, R. S.
Jail and office building. Sec. 9, Act of May 7, 1894 (28 Stat. 73).
Leases within authorized. Act of Aug. 3, 1894 (28 Stat. 222).
Penal provisions relating to hunting, fishing, violation of regulations, etc. Sec. 4, Act of May 7, 1894 (28 Stat. 73).
Protection of fish and game and removal of trespassers, etc. Sec. 2475, R. S.
Punishment of offenses under Wyoming laws. Sec. 3, Act of May 7, 1894 (28 Stat. 73).
Road extensions and improvements to be under Chief of Engineers. Act of June 6, 1900 (31 Stat. 625).

National Parks—Continued.
Yellowstone National Park—Continued.
Secretary of Interior to have control. Sec. 2475, R. S.
Secretary of the Interior to make regulations for management, care, and protection of. Sec. 4, Act of May 7, 1894 (28 Stat. 73).
Under exclusive jurisdiction of the United States. Sec. 1, Act of May 7, 1894 (28 Stat. 73).
Yosemite; employment of military force to prevent trespassers or intruders from destroying the game or objects of curiosity therein. Act of June 6, 1900 (31 Stat. 618).
National Sanitarium, Hot Springs, S. Dak., in connection with National Home for Disabled Volunteer Soldiers. *See* Medical Department.
Native wines, Philippine Islands, sale of, to soldiers, etc. *See* Philippine Islands.
Naturalization:
Alien enemies not admitted. Sec. 2171, R. S.
Aliens of African nativity and descent. Sec. 2169, R. S.; and Act of Feb. 18, 1875 (18 Stat. 318).
Aliens, declared intention, oath, residence, etc. Sec. 2165, R. S.; and Act of Feb. 1, 1876 (19 Stat. 2) replaced by secs. 3 and 4, Act of June 29, 1906 (34 Stat. 596).
Children of naturalized persons. Sec. 2172, R. S., as amended by sec. 5, Act of Mar. 2, 1907 (34 Stat. 1229).
Declaration of intention, how made. Sec. 5, Act of June 29, 1906 (34 Stat. 598).
False certificate of citizenship, penalty. Sec. 74, Act of Mar. 4, 1909, Criminal Code (35 Stat. 1102).
Indians adopting civilized life and allottees. Sec. 6, Act of Feb. 8, 1887 (24 Stat. 390).
Minor residents. Sec. 2167, R. S., replaced by sec. 4, Act of June 29, 1906 (34 Stat. 596).
Petitions filed in term time or vacation. Sec. 6, Act of June 29, 1906 (34 Stat. 598).
Residence required. Sec. 2170, R. S., as amended by sec. 10, Act of June 29, 1906 (34 Stat. 599).
Restrictions, qualifications, procedure, etc. Act of June 29, 1906 (34 Stat. 598).
Widow and dependent children of declarants. Sec. 2168, R. S., replaced by sec. 4, Act of June 29, 1906 (34 Stat. 598).
Naval Academy, United States, appointment of 3 midshipmen at, for each Senator, Representative, and Delegate in Congress, 1 for Porto Rico, 2 for District of Columbia, 10 appointed each year at large, and 15 appointed annually from enlisted men of the Navy. Act of Feb. 15, 1916 (39 Stat. 9).
Naval Militia, District of Columbia, authorization of, etc. *See* Militia.
Naval radio station, Canal Zone. *See* Panama Canal.
Naval radio stations: Lands of the United States under control of a particular department or other branch of the Government that have been or may hereafter be mutually selected as site for naval radio station may be transferred to control and jurisdiction of Navy Department for use as radio stations or other naval purposes. Act of Aug. 29, 1916 (39 Stat. 606).
Naval reservation, Fords (Mokuumeume) Island, island of Oahu, Territory of Hawaii. Transfer of control and jurisdiction over portion of, to War Department for military purposes. Act of Aug. 29, 1916 (39 Stat. 568).

Navasota Transfer Company, relief from contract for forage. Act of May 12, 1917 (40 Stat. 75).

Navigable waters (*see also* Rivers and harbors):

Authority for construction of fishways in. *See* Corps of Engineers.

Bridges, dams, etc., over or across. *See* Corps of Engineers.

Harbor lines, establishment and extension of. *See* Corps of Engineers.

Mississippi River Commission, creation, duties, headquarters of, etc. *See* Corps of Engineers.

Mississippi River, piers and cribs in, snag boats and water gauges on, South Pass of, etc. *See* Corps of Engineers.

Missouri River Commission, composition, creation, duties, etc., of. *See* Corps of Engineers.

New York Harbor, regulations governing, etc. *See* Corps of Engineers.

Obstruction of, by bridges, etc., navigable rivers form public highways, etc. *See* Corps of Engineers.

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Rivers and harbors works, estimates, reports, surveys, etc. *See* Corps of Engineers.

Wharf property, District of Columbia, control of. *See* Corps of Engineers.

Navigation laws, Philippine Islands, administration of, etc. *See* Philippine Islands.

Navigation, obstructions to, penal clauses, removal of sunken vessels, wrecks, etc. *See* Corps of Engineers.

Navy Department:

Fords (Mokuumeume) Island Naval Reservation, island of Oahu, Territory of Hawaii. Transfer of control and jurisdiction over, to War Department. Act of Aug. 29, 1916 (39 Stat. 568).

Puuloa Military Reservation, island of Oahu, Territory of Hawaii. Transfer of control and jurisdiction over, by War Department to, for use for naval purposes. Id. 642.

Navy, detail of officers and enlisted men of Marine Corps and, to serve under Government of Republic of Haiti. Secs. 1–5, Act of June 12, 1916 (39 Stat. 223).

Navy, Fort Bayard Hospital, treatment of officers and men of, at. *See* Medical Department.

Neutrality, ministers of United States in foreign countries may issue writs to prevent enlistment of Americans in military service of foreign governments. Sec. 4090, R. S.

New Panama Canal Co., purchase of rights of. *See* Panama Canal.

New York Harbor, regulations governing, etc. *See* Corps of Engineers.

New York World, Secretary of War authorized to accept fund raised by public subscription by, for construction of electric lighting plant for illumination of the Statue of Liberty on Bedloes Island, New York Harbor. Sec. 5, Act of July 27, 1916 (39 Stat. 411).

Nicaragua Canal, as alternative route, authorized. *See* Panama Canal.

Nicaragua, concessions from. *See* Panama Canal.

Niagara River, extension of time for issuance of temporary permits for diversion of water from, and investigation of water diversion question, etc. Joint Res. of June 30, 1917 (40 Stat. 241).

Noble, Alfred, erection of a memorial fountain to, in public grounds of District of Columbia by American Society of Civil Engineers. J. Res. of May 8, 1916 (39 Stat. 65).

Nonindebtedness, Army officers accountable for public property to secure certificates of, before discharge. *See* Public property.
North Carolina flood sufferers of 1916, Secretary of War authorized to relieve with food, supplies of Quartermaster and Medical Departments, etc. J. Res. of Aug. 3, 1916 (39 Stat. 434).
North Dakota, South Dakota, and Minnesota, consent of Congress to improvement of boundary waters by. Sec. 5, Act of Aug. 8, 1917 (40 Stat. 266).
Northern Pacific Railroad, post route and military road. *See* Transportation.
Nurses, Army, pensionable status. *See* Pensions.
Oaths:
Pension claims, etc., before authorized officer. *See* Pensions.
Philippine Islands, who may administer. *See* Philippine Islands.
Postmasters may administer, as to pension matters. *See* Pensions.
Offenses on high seas, Philippine Islands, jurisdiction over. *See* Philippine Islands.
Offenses on military reservations, not prohibited by Federal law, how punished. *See* Public property.
Office, right to hold not forfeited on conviction in the juvenile court, District of Columbia. Act of Apr. 27, 1916 (38 Stat. 56).
Officers and employees, use of, in affording relief, protection, and transportation to American citizens in Europe, made necessary by existing political disturbances. *See* Europe.
Officers, use of names of for advertising purposes by attorneys practicing before executive departments. Act of Apr. 27, 1916 (29 Stat. 54).
Official business, subsistence allowance to be paid to persons traveling outside the District of Columbia on. *See* District of Columbia.
Ohio River improvement as to locks and dams, etc., not placed under jurisdiction of the Mississippi River Commission in the extension of the jurisdiction of the commission to certain tributaries of Mississippi River. Act of July 27, 1916 (39 Stat. 402).
Ohio Valley flood of March, 1913, relief of lessees of waterpower on Muskingum River, Ohio, whose property was destroyed by. *See* Corps of Engineers.
Oklahoma, reimbursement for camp, etc., expenses, 1910, 1911. Act of May 12, 1917 (40 Stat. 66).
Oklawaha River, Fla.:
Transfer of title to the United States to the "Kyle and Young Canal" and the "Morrison Landing extension" of the same, etc. Act of July 27, 1916 (39 Stat. 396).
Canal to become a public waterway of the United States. Id.
Ordnance and ordnance stores:
Issue to the militia, credit to appropriation for. *See* Militia.
Replacing stores carried into war with Spain. *See* Militia.
Sale of rifles, etc., to Cuba. *See* Cuba.
Palace of Fine Arts, permit to Panama-Pacific International Exposition, and its successors in interest, to occupy portion of Presidio of San Francisco Military Reservation, Cal., with. Act of Aug. 29, 1916 (39 Stat. 637).
Extension of cession of jurisdiction to State of California over part so occupied during such occupancy, and to terminate on revocation of permit, etc. Id.
Failure to remove the buildings on revocation of the permit to vest title to them in the United States. Id. 638.
Transfer of site of to California University in exchange for other lands. Act of May 12, 1917 (40 State. 57).

Philippine Islands—Continued.
Autonomous form of government, Act of Aug. 29, 1916, providing for more—Continued.
Executive power vested in the Governor General. Sec. 21, Id. 552.—Continued.
Designation of head of executive departments to act as Governor General. Id.
Duties of. Sec. 21, Id. 552.
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Export duties not to be levied or collected on exports from the islands. Sec. 11, Id. 548.
Ex post facto law, enactment of, forbidden. Sec. 3, Id. 546.
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Freedom of speech not to be abridged. Id.
Governor General, appointment of. Sec. 21, Id. 552.
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Habeas corpus, suspension of privilege of writ of. Sec. 3, Id. 546.
Immigration laws, acts of legislature relative to, must be approved by President. Sec. 10, Id. 548.
Time limit for approval or disapproval by. Id.
Indebtedness, maximum amount to be incurred by Philippine Government. Sec. 11, Id. 548.
Indebtedness, maximum amount to be incurred by Provinces or municipalities. Id.
Independence to be recognized as soon as stable government can be established. Preamble, Act of Aug. 29, 1916 (39 Stat. 545).
Involuntary service, except as punishment for crime, not to exist. Sec. 3, Id. 546.
Jeopardy, not to be twice placed in, for same offense. Id.
Laws enacted by legislature to be reported to Congress, which has power to annul. Sec. 19, Id. 551.
Laws now in force to remain in force until amended or repealed by the legislature or by Congress. Sec. 6, Id. 547.
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Legislative power, general, vested in a legislature consisting of two houses. Sec. 12, Id. 548.
Bills passed, method of approval or disapproval by Governor General or the President. Sec. 19, Id. 551.
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Date of first, under this Act. Id.
Subsequent dates, etc., to be prescribed by legislature. Id.
Term of senators chosen at first. Id.
Term of senators chosen at subsequent. Id.
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Panama Canal. *See also* Isthmian Canal Commission—Continued.
Canal Zone—Continued.
Customs duties on imports from, reappropriated for construction. Sec. 5, Act of May 27, 1908 (35 Stat. 387).
Customs officers, fees of, for certificates, etc., or notarial service. Sec. 8, Act of Aug. 21, 1916 (39 Stat. 528).
Deposit money orders, interest on payable from bank interest on money-order funds. Sec. 7, id.
Deposit money orders issued in lieu of postal savings certificates to bear interest. Sec. 6, id.
Disorderly, indecent, or immoral conduct, unlawful to engage in or permit. Sec. 4, id.
Docks, storehouses, etc., establishment of. Sec. 6, Act of Aug. 24, 1912 (37 Stat. 564).
Extent of; acquirement of additional land. Act of Aug. 24, 1912 (37 Stat. 560).
Fees of customs officers for certificates or notarial service. Sec. 8, Act of Aug. 21, 1916 (39 Stat. 528).
Health regulations to be prescribed by President. Sec. 1, id. 527.
Immigration regulations as to persons entering or passing over. Sec. 10, id. 529.
Detention and return of persons entering in violation of regulations. Id.
Fine imposed on vessels for violation of regulations. Id.
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Penalty for, where act causes death of any person. Id.
Interest, deposit money orders issued in lieu of postal saving certificates to bear. Sec. 6, id. 528.
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Land, survey of. Sec. 4, Act of Feb. 27, 1909 (35 Stat. 658).
Leases of public lands in. Secs. 1, 2, 3, id.
Naval radio stations, establishment of. Sec. 6, Act of Aug. 24, 1912 (37 Stat. 563).
Not embraced by term "United States" in immigration act. Sec. 33, Act of Feb. 20, 1907 (34 Stat. 908).
Notarial service, fees of customs officers for performing. Sec. 8, Act of Aug. 21, 1916 (39 Stat. 528).
Police power, rules and regulations for asserting and exercising. Sec. 4, Act of Aug. 21, 1916 (39 Stat. 528).
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Possession and occupation. Act of Apr. 28, 1904 (33 Stat. 429).
Postal savings certificates, deposit money orders issued in lieu of, to bear interest. Sec. 6, Act of Aug. 21, 1916 (39 Stat. 528).
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Panama Canal. See also Isthmian Canal Commission—Continued.
Canal Zone—Continued.
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Right to remain in or pass over; regulated by governor. Sec. 10, Act of Aug. 24, 1912 (37 Stat. 564).
Roads and highways, regulations for use of. Sec. 8, Act of Aug. 21, 1916 (39 Stat. 528).
Automobile taxes may be graded according to value or power of machine. Id.
Licensing and taxing operation of self-propelled vehicles. Id.
Republic of Panama, mutual agreement with, for reciprocal use of. Id.
Speed limit, signals, tags, license fees, etc., for self-propelled vehicles. Id.
Vehicles, self-propelled, regulations for operation of. Id.
Sanitary regulations to be prescribed by the President. Sec. 1, id, 527.
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Shelter, temporary, of troops on. Use of portion of appropriation for acquisition of site and construction of supply depots at Fort Sam Houston, Tex., for providing. Act of Aug. 29, 1916 (39 Stat. 636).
No part of moneys so appropriated to be used for payment of commutation of fuel or quarters to officers or enlisted men. Id.
Shipping commissioner and deputy shipping commissioners, powers of United States consuls in foreign ports as to American seamen conferred on. Sec. 9, Act of Aug. 21, 1916 (39 Stat. 529).
Taxes, ad valorem, excise, license, and franchise. President to change regulations for levying, assessing, and collecting. Sec. 2, id. 528.
Ad valorem taxes, maximum rate of. Id.
Excise taxes, maximum rate of. Id.
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Taxes, penalty for conducting business, etc., in violation of regulations relative to. Sec. 5, id.
Temporary government. Sec. 2, Act of Apr. 28, 1904 (33 Stat. 429).
Vehicles, self-propelled, penalty for operation of, in violation of regulations for licensing and taxing. Sec. 5, Act of Aug. 21, 1916 (39 Stat. 528).
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Consolidation of Zone government, railroad and canal funds. Sec. 1, Act of Aug. 1, 1914 (38 Stat. 679).
Contracts for. Sec. 5, Act of June 28, 1902 (32 Stat. 483); sec. 6, Act of Mar. 4, 1906 (34 Stat. 1370); Act of Aug. 5, 1909 (36 Stat. 130).
Costa Rica and Nicaragua; concessions to be obtained from. Sec. 4, Act of June 28, 1902 (32 Stat. 482).
Deduction from pay for amounts due from employees. Sec. 8, Act of Mar 4, 1907 (34 Stat. 1371).
Defense, etc. Sec. 8, Act of June 28, 1902 (32 Stat. 482).
Employees, number and compensation not to be increased above the provision for, in annual Book of Estimates except in cases of emergency and other specified exceptions noted in the provision. Act of July 1, 1916 (39 Stat. 334).
Employment of persons for; compensation. Sec. 3, Act of June 28, 1902 (32 Stat. 482).

Panama Canal. See also Isthmian Canal Commission—Continued.
Estimates, detailed, to be submitted hereafter. Sec. 6, Act of Aug. 1, 1914 (38 Stat. 679).
Estimates, number and compensation of employees not to be increased above provisison for, in Annual Book of, except in cases of emergency and other specified exceptions. Act of July 1, 1916 (39 Stat. 334).
Foreign officials, entertainment of, in connection with Panama-Pacific International Exhibition. *See* Panama-Pacific International Exhibition.
Guaranty of use of canal and harbors to country ceding rights. Sec. 6, Act of June 28, 1902 (32 Stat. 483).
Harbors. Sec. 3. Act of June 28, 1902 (32 Stat. 482).
Injuries to, punishment. Sec. 10, Act of Aug. 24, 1912 (37 Stat. 564).
Isthmian Canal Commission, duties, etc., of. *See* Corps of Engineers.
Joint land commission shall not have jurisdiction over any claim arising under any lease or contract for occupancy heretofore or hereafter made by the Panama Railroad Co. of land or property owned by it. Sec. 2, Act of July 1, 1916 (39 Stat. 336).
Leaves of absence to employees. Act of Feb. 24, 1909 (35 Stat. 645).
Liability of common carriers for injuries to employees. Secs. 2 to 8, Act of Apr. 22, 1908 (35 Stat. 65).
Lock canal to be constructed. Act of June 29, 1906 (34 Stat. 611).
Materiall and equipment for, domestic manufacture. Joint Res. No. 35, June 25, 1906 (34 Stat. 835).
Moneys received from services, supplies, etc., disposition of. Sec. 3, Act of Aug. 1, 1914 (38 Stat. 678).
Navy, steamships *Ancon* and *Cristobal*, not to be transferred to. Act of July 1, 1916 (39 Stat. 334).
New Panama Canal Co., purchase of lands and rights from, authorized. Act of June 28, 1902 (32 Stat. 481).
Nicaragua Canal, as alternative route, authorized. Sec. 4, Act of June 28, 1902 (32 Stat. 482).
"Panama Canal act." Act of Aug. 24, 1912 (37 Stat. 560).
Panama, payment to. Act of Apr. 28, 1904 (33 Stat. 429).
Panama Railway Co., purchase of capital stock of. Act of June 28, 1902 (32 Stat. 481).
Contracts with Army and Navy; form, duration, bond. Sec. 6, Act of Mar. 4, 1911 (36 Stat. 1452).
Insurance, payment of notes. Sec. 2, act of Mar. 4, 1911 (36 Stat. 1451).
Joint land commission, shall not have jurisdiction over any claim arising under any lease or contract for occupancy heretofore or hereafter made by the Panama Railroad Co. of land or property owned by it. Sec. 2, Act of July 1, 1916 (39 Stat. 336).
Payment of annual subsidy not required. Act of June 25, 1910 (36 Stat. 772).
Provisions relating to construction of canal works, etc., not applicable to. Sec. 6, Act of Mar. 3, 1909 (35 Stat. 818).
Public property, unserviceable equipment, etc., may be sold without advertising. Sec. 8, Act of Aug. 1, 1914 (38 Stat. 679).
Purchase of rights, etc., of New Panama Canal Co. Act of June 28, 1902 (32 Stat. 481).
Registry American ships, general provisions. Sec. 5, Act of Aug. 24, 1912 (37 Stat. 562).

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Autonomous form of government, Act of Aug. 29, 1916, providing for more—Continued.
United States statutory laws hereafter enacted not to apply to, unless they so state. Sec. 5, id. 547.
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Warrant to be issued only on showing of probable cause, supported by oath. Sec. 3, id. 546.
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Benguet Road, portions of same authorized to be declared a toll road. Sec. 1, Act No. 1959, Philippine Commission, enacted June 26, 1909.
Bonds to be given by all insular, provincial, or municipal officers receiving or having custody of funds or property. Sec. 37, Act No. 1792, Philippine Commission, Oct. 12, 1907.
Branch office of Military Information Division at Manila, payment of contingent expenses of. Act of Apr. 23, 1904 (33 Stat. 260).
Certain classes of persons barred from election or appointment to township office. Sec. 15, Act No. 1397, Philippine Commission, Sept. 14, 1905.
Certain classes of persons entitled to vote at all elections, officers and enlisted men of Army, Navy, and Marine Corps barred. Sec. 13, Act No. 1582, Philippine Commission, Jan. 9, 1907.
Civil and military officers and employees traveling on leave to be granted half rates by contracting vessels of coastwise trade. Sec. 1, Act No. 1310, Philippine Commission, Mar. 23, 1905.
Civil government not to interfere with military administration of lands reserved for military purposes. Sec. 3, Act No. 530, Philippine Commission, Nov. 24, 1902.
Civil jurisdiction over reservations. Sec. 8, Act No. 530, Philippine Commission, Nov. 24, 1902.
Claims for private lands and interests within military reservations to be barred if not presented within six months from date of notice. Sec. 4, Act No. 627, Philippine Commission, Feb. 9, 1903; sec. 1, Act No. 803, Philippine Commission, July 24, 1903.
Commanding officer of United States troops at each place named in Act to notify municipal authorities of bounds of precincts within which intoxicants may not be sold. Sec. 5, Act No. 709, Philippine Commission, Mar. 28, 1903.
Condemnation of land for public use, who may exercise right of. Sec. 241, Act No. 190, Philippine Commission, Aug. 7, 1901; sec. 1, Act No. 665, Philippine Commission, Mar. 5, 1903.
Containers for removal of dead. Sec. 271, Revised Ordinances of City of Manila, 1908.
Contracts for material for seacoast batteries. Act of June 23, 1910 (36 Stat. 598).
Criminal prosecutions to be instituted under liquor act for violations of same. Sec. 25, Act No. 59, Philippine Commission, Dec. 14, 1900.
Debt due United States from any insular, provincial, or municipal government officer or employee to be withheld from latter's pay by disbursing officer. Sec. 1, Act No. 911, Philippine Commisison, Sept. 29, 1903.
Debt due United States from officer or employee, penalty for failure of disbursing officer to withhold from pay, etc. Sec. 2, Act No. 911, Philippine Commission, Sept. 29, 1903.

Panama-Pacific International Exposition—Continued.
Palace of Fine Arts, company or its successors in interest, authorized to occupy portion of Presidio of San Francisco Military Reservation, Cal., with. Act of Aug. 29, 1916 (39 Stat. 637).
Extension of cession of jurisdiction to State of California over part to be so occupied during such occupancy, and to terminate on revocation of the permit, etc. Id.
Failure to remove the buildings on revocation of the permit to vest title to them in the United States. Id. 638.
Use of building at close of exposition. Act of Aug. 1, 1914 (38 Stat. 667).
Panama Railroad, consolidation of the Zone Government, canal fund, and. *See* Panama Canal.
Panama Railway Company, purchase of capital stock of. *See* Panama Canal.
Panama, Republic of, payment to. *See* Panama Canal.
Pan American Exposition. *See* Texas Bicentennial and.
Park system, District of Columbia:
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Potomac Park made part of. *See* Corps of Engineers.
Parole of military prisoners. *See* Federal prisoners.
Parole of United States prisoners, Federal parole law. Act of June 25, 1910 (36 Stat. 819), as amended by Act Jan. 23, 1913 (37 Stat. 650).
Pay Department, appointments in, from volunteers. Act of Mar. 2, 1901 (31 Stat. 900).
Peace officers, Philippine Islands, Army officers as attorneys and. *See* Philippine Islands.
Penitentiary, persons convicted in courts of District of Columbia and sentenced to confinement for more than one year may be confined in District Reformatory instead of. Act of Sept. 1, 1916 (39 Stat. 711).
Pensions:
Abandonment of children or immoral conduct by widow forfeits. Sec. 4706, R. S.
Accrued. Sec. 4710, R. S.
Accrued. Act of June 3, 1884 (23 Stat. 35); and Act of Mar. 1, 1889 (25 Stat. 782).
Affidavits, false or post-dated vouchers, penalty. Sec. 4746, R. S.
Agencies in three groups. Sec. 2, Act of Mar. 3, 1891 (26 Stat. 1082).
Agents, appointment and term of office. Sec. 4778, R. S.
Agents, bonds. Sec. 108, Act of Mar. 4, 1909, Criminal Code (35 Stat. 107).
Army nurses. Act of Aug. 5, 1892 (27 Stat. 348).
Arrears, commencement. Sec. 1, Act of Jan. 25, 1879 (20 Stat. 265).
Arrears, payment. Sec. 4711, R. S.
Assignment, pledge or transfer void. Sec. 4745, R. S.
Attachment, not liable to. Sec. 4747, R. S.
Attorneys' fees. Sec. 3, Act of July 4, 1884 (23 Stat. 99); sec. 4, Act of June 27, 1890 (26 Stat. 183); Act of May 28, 1908 (35 Stat. 419); sec. 3, Act of Apr. 19, 1908 (35 Stat. 64).
Amounts to be filed. Sec. 4, Act of July 4, 1884 (23 Stat. 99).
Deducted by agent. Sec. 4769, R. S.
Certain pensions equalized. Act of June 6, 1874 (18 Stat. 61).
Certificate and attorneys' fees. Sec. 4768, R. S.
Certificate of official character of officers without seal. Joint Res. No. 43, Sept. 1, 1890 (23 Stat. 679).
Check to order of each pensioner. Sec. 4765, R. S.
Children, legitimate. Sec. 4704, R. S.

Philippine Islands—Continued.

Insane natives serving in Army, care of. Act of Mar. 2, 1907 (34 Stat. 1173).

Inspection of United States Government vessels entering Philippine Islands. Sec. 20, Act of Aug. 5, 1909 (36 Stat. 176).

Interisland traffic, regulations governing. Sec. 1, Act of Apr. 29, 1908 (35 Stat. 70).

Internal-revenue taxes imposed by the Philippine Legislature legalized and ratified. Act of July 1, 1916 (39 Stat. 286).

Intoxicating liquors, certain Army officers to be justices of the peace only for purpose of enforcing provisions of act regulating sale of. Sec. 4, Act No. 709, Philippine Commission, Mar. 28, 1903, as amended by sec. 1, Act No. 1502, Philippine Commission, June 26, 1906.

Investigation of suspicious deaths. Sec. 15, Act No. 1487, Philippine Commission, May 16, 1906.

Justices of the peace, certain Army officers to be, only for purpose of enforcing act regulating sale of intoxicating liquors. Sec. 4, Act No. 709, Philippine Commission, Mar. 28, 1903, as amended by sec. 1, Act No. 1502, Philippine Commission, June 26, 1906.

Lands and buildings exempt from taxation. Sec. 19, Act No. 1396, Philippine Commission, Sept. 14, 1905.

Lands comprised within military reservations to become registered lands. Sec. 1, Act. No. 627, Philippine Commission, Feb. 9, 1903, as amended by sec. 1, Act No. 806, Philippine Commission, July 24, 1903.

Lands to which provisions of secs. 38, 39, 40, 41, and 42 of Act No. 190 are applicable. Sec. 6, Act No. 627, Philippine Commission, Feb. 9, 1903, as amended by sec. 1, Act No. 806 Philippine Commission, July 24, 1903.

Lands within military reservations to be brought under operation of land-registration act. Sec. 1, Act No. 627, Philippine Commission, Feb. 9, 1903, as amended by sec. 1, Act No. 806, Philippine Commission, July 24, 1903.

Law of war; military occupation. Sec. 2, Act of July 1, 1902 (32 Stat. 692).

License as master, mate, etc., of a Philippine coastwise vessel. Sec. 7, Act No. 780, Philippine Commission, May 20, 1903, as amended by sec. 1, Act No. 1317, Philippine Commission, Apr. 11, 1905.

Licenses to harbor vessels. Sec. 4, Act of Apr. 29, 1908 (35 Stat. 70).

Liquor licenses not to be granted on military reservations. Sec. 1, Act No. 539, Philippine Commission, Nov. 24, 1902.

Liquor licenses not to be granted by provincial or municipal authority for sale of intoxicants within certain prohibited areas. Sec. 1, Act No. 709, Philippine Commission, Mar. 28, 1903, as amended by sec. 1, Act No. 760, Philippine Commission, May 21, 1903; see secs. 1 and 2, Act No. 1169, Philippine Commission, May 31, 1904, and sec. 1, Act No. 1904, Philippine Legislature, May 19, 1909.

Locust pest, exemption of certain-named classes of inhabitants of Philippine Islands from being called upon to aid in suppression of. Sec. 1, Act No. 834, Philippine Commission, Aug. 17, 1903.

Military forces in Philippine Islands to be at all times subject to call of civil authorities. Sec. 1, Act of July 1, 1902 (32 Stat. 691).

Military reservations, civil officers having authority over, or civilians resident thereon, not to interfere with military use of same. Sec. 3, Act No. 539, Philippine Commission, Nov. 24, 1902.

Pensions—Continued.
Inmates, National Homes for Disabled Volunteer Soldiers, how paid. *See* National Homes for Disabled Volunteer Soldiers.
Inspection of agencies. Act of Aug. 8, 1882 (22 Stat. 373).
Instructions free of charge. Sec. 4748, R. S.
Invalid, dependent soldiers. Sec. 2, Act of May 9, 1900 (31 Stat. 170); Act of Feb. 6, 1907 (34 Stat. 897); Act of Mar. 4, 1907 (34 Stat. 1406).
Investigation of fraud. Sec. 474, S. R.
Investigating officers may administer oaths. Sec. 3, Act of Mar. 3, 1891 (26 Stat. 1083).
Legal disabilities. Sec. 4766, R. S.
Loss of arm at shoulder joint. Act of Mar. 3, 1885 (23 Stat. 437).
Loss of both hands, feet, or eyes. Act of June 17, 1878 (20 Stat. 144); amended by Act of Apr. 8, 1904 (33 Stat. 163).
Loss of leg at hip joint. Act of Mar. 3, 1879 (20 Stat. 483).
Loyalty—
Provisions of sec. 4716, R. S., not applicable to survivors of certain Indian wars. Sec. 3, Act of Mar. 4, 1917 (39 Stat. 1201).
Repealed. Sec. 4617, R. S. Act of Aug. 29, 1916 (39 Stat. 649).
Marriage, proof of. Act of Aug. 7, 1882 (22 Stat. 345).
Marriage must be proven legal. Sec. 2, Act of Aug. 7, 1882 (22 Stat. 345).
Medical referee and examining surgeon. Sec. 4776, R. S.
Mexican War, increased to $12 per month. Act of Jan. 5, 1893 (27 Stat. 413).
Mexican War. Sec. 4730, R. S.
Minimum rate, $6 per month. Act of Mar. 3, 1895 (28 Stat. 704).
Missouri Militia. J. Res. No. 13, Feb. 15, 1895 (28 Stat. 970).
Not to be withheld. Sec. 4734, R. S.
Oaths, before authorized officers. Act of July 1, 1890 (26 Stat. 209).
Oaths by officers, fee. Act of June 7, 1888 (25 Stat. 174); Act of Mar. 1, 1889 (25 Stat. 782); and Act of Mar. 23, 1896 (29 Stat. 74).
One at a time. Sec. 4715, R. S.
Pay and, not allowed persons in Army, Navy, or Marine Corps, unless, etc. Sec. 4724, R. S.
Payment by check. Act of June 30, 1890 (26 Stat. 187).
Payments by attorneys to pensioners in foreign countries prohibited. Act of Mar. 14, 1898 (30 Stat. 276).
Permanent specific disability prior to June 4, 1872. Sec. 4697, R. S.
Persons receiving special pension not to receive any other relief. Sec. 5, Act of July 25, 1882 (22 Stat. 176); Act of Mar. 4, 1909 (35 Stat. 1058).
Postmasters, fourth class, may administer oaths. Act of Aug. 23, 1894 (28 Stat. 499).
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Native wines not to be sold in Province of Zambales to soldiers of Army or sailors or enlisted men of Navy or Marine Corps; penalty for violation. Secs. 1 and 2, Act No. 1369, Philippine Commission, July 7, 1905.
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Navigation laws, repeal of. Sec. 6, Act of Apr. 29, 1908 (35 Stat. 70).
Navigation laws to be administered by proper officials of the Insular Government. Sec. 5, Act of Apr. 29, 1908 (35 Stat. 70).
Oaths, who may administer. Sec. 1, Act No. 1562, Philippine Commission, Nov. 10, 1906.
Offenses on high seas, jurisdiction over. Sec. 3, Act of Mar. 3, 1911 (36 Stat. 1085).
Officers of Army and of constabulary are, while upon certain details, given the power of peace officers, and, while so detailed, shall perform the duties of such peace officers. Sec. 1, Act No. 1797, Philippine Commission, Oct. 12, 1907.
Penalty for conviction of violation of liquor law. Sec. 25, Act No. 59, Philippine Commission, Dec. 14, 1900.
Penalty for selling, furnishing, or giving away intoxicants. Sec. 2, Act No. 709, Philippine Commission, Mar. 28, 1903.
Penalty for unlawfully cutting or destroying standing timber or any other public property on military reservations. Sec. 6, Act No. 530, Philippine Commission, Nov. 24, 1902. See sec. 9, Act No. 1407, Philippine Commission, Oct. 26, 1905, as amended by sec. 1, Act No. 1872, Philippine Commission, June 19, 1908, and sec. 1, Act No. 1976, Philippine Legislature, Apr. 18, 1910, which gives to honorably discharged soldiers and sailors of the Army or Navy certain rights to cut timber free of charge in the public forests.
Penalty for violating any regulation made in pursuance of an Act providing for establishment and maintenance of toll roads and bridges; act to be at once operative. Secs. 2 and 3, Act No. 1959, Philippine Commission, June 26, 1909.
Per diems to Army or Navy officers detailed for duty with the Insular Government when traveling on official business. Sec. 3, Act No. 1873, Philippine Legislature, June 19, 1908.
Personal property of persons employed in military service and used incident to such service to be exempt from all taxation under insular laws. Sec. 4, Act No. 530, Philippine Commission, Nov. 24, 1902.
Philippine civil-service act not to apply to persons in military, naval, or civil service of United States detailed for performance of civil duties. Sec. 1, Act No. 1698, Philippine Commission, Aug. 26, 1907.
Philippine civil-service Act retroactive in effect as to accrued leave of officers and employees. Sec. 23, Act No. 1698, Philippine Commission, Aug. 26, 1907.
Philippine civil-service act to apply to appointment to all positions in Philippine civil service, except semi or unskilled laborers, etc. Sec. 1, Act No. 1698, Philippine Commission, Aug. 26, 1907.
Poll tax, every male between 18 and 60, with certain named exceptions, to pay. Sec. 120, Act No. 1189, Philippine Commission, July 2, 1904.
Procedure to be observed upon filing of claims and applications for registration in court of land registration. Sec. 5, Act No. 627, Philippine Commission, Feb. 9, 1903, as amended by sec. 1, Act No. 806, Philippine Commission, July 24, 1903.
Property and rights acquired by treaty, except military reservations, placed under control of insular Government. Sec. 12, Act of July 1, 1902 (32 Stat. 691).

Philippine Islands—Continued

Property and rights acquired by treaty, except that designated for military and other reservations placed under control of insular government. Sec. 12, Act of July 1, 1902 (32 Stat. 695).

Publication, by court of land registration, of notices of registration of public lands. Sec. 3. Act No. 627, Philippine Commission, Feb. 9, 1903, as amended by sec. 1, Act No. 806, Philippine Commission, July 24, 1903.

Railway line to Baguio, statutory regulations governing operation of same. Sec. 1, Act No. 1735, Philippine Commission, Oct. 2, 1907.

Railway, telegraph, and telephone lines, statutory regulations governing construction and operation of, in islands of Panay, Negros, and Cebu. Secs. 1 and 15, Act No. 1497, Philippine Commission, May 28, 1906.

Railways in island of Luzon, statutory regulations governing operation of same. Sec. 1, Act No. 1510, Philippine Commission, July 7, 1906.

Restrictive provisions of law not to apply to foreign vessels plying between Philippines and United States. Sec. 3, Act of Apr. 29, 1908 (35 Stat. 70).

Revised Statutes of United States, secs. 1014, 5270–5279, to apply, so far as applicable, to Philippine Islands. Secs. 1 and 2, Act of Feb. 9, 1903 (32 Stat. 605); secs. 1 and 2, Act of Feb. 6, 1905 (33 Stat. 698).

Road tax to be imposed on all males, with certain exceptions, between 18 and 60 years of age. Sec. 19, Act No. 1396, Philippine Commission, Sept. 14, 1905.

Salary of Army or Navy officer detailed to perform the duties of any office under insular government. Sec. 39, Act. No. 1407, Philippine Commission, Oct. 26, 1905.

Saline lands, disposition of. Sec. 9, Act of Feb. 6, 1905 (33 Stat. 697).

Sec. 1014, Revised Statutes, to apply, so far as practicable, throughout the Philippine Islands. Sec. 1, Act of Feb. 9, 1903 (32 Stat. 806).

Secs. 5270, 5271, 5272, 5273, 5274, 5275, 5276, and 5277, Revised Statutes, so far as applicable, to apply to Philippine Islands. Secs. 1 and 2, Act of Feb. 6, 1905 (33 Stat. 698).

Secs. 5278 and 5279, Revised Statutes, to apply, so far as practicable, to the Philippine Islands. Sec. 2, Act of Feb. 9, 1903 (32 Stat. 807).

Secretary of commerce and police to invite proposals and make contracts for carrying mails and government freight and passengers in coastwise trade. Sec. 1, Act. No. 1310, Philippine Commission, Mar. 23, 1905.

Special transportation to be furnished insular government by Manila Railway Co. at extra compensation. Sec. 14, Act No. 554, Philippine Commission, Dec. 8, 1902.

Special transportation to be furnished insular government by steam tramway contractor at extra compensation. Sec. 16, Act. No. 1448, Philippine Commission, Feb. 1, 1906.

Statutory provisions governing appointments to all positions and employments in Philippine civil service. Sec. 1, Act No. 1698, Philippine Commission, Aug. 26, 1907.

The President, during period of armed resistance to United States forces, to continue to regulate and control commercial intercourse of Philippine Islands. Sec. 3, Act of July 1, 1902 (32 Stat. 692).

Toll roads and bridges, rates fixed to be subject to approval of Governor General; officers, enlisted men, and civil employees of Army, Navy, and Marine Corps to be exempt from payment of tolls. Sec. 1, Act No. 1617, Philippine Commission, Mar. 20, 1907.

Tonnage taxes imposed by Philippine Legislature on vessels engaged in foreign trade legalized and ratified. Act of July 1, 1916 (39 Stat. 286).

Philippine Islands—Continued.
Tonnage taxes and light dues, vessels owned by citizens of Philippine Islands exempt from, in ports of United States. Act of July 1, 1916 (39 Stat. 286).
Tonnage taxes to be levied upon all foreign vessels entering United States from Philippine Islands. Sec. 2, Act. of Apr. 29, 1908 (35 Stat. 70).
Transportation of bodies by military authorities. Par. 289, Revised Ordinances of City of Manila, 1908.
Plants for shipbuilding, requisitioning, etc. *See* Emergency Shipping Fund.
Police: Civil, may be called upon to arrest trespassers, etc., upon Presidio of San Francisco. Act of June 4, 1888 (25 Stat. 167).
Poll tax, Philippine Islands, male persons subject to. *See* Philippine Islands.
"Portage Levee," Secretary of War to convey title of United States in, to the State of Wisconsin or city of Portage. Act of July 27, 1916 (39 Stat. 401).
Porto Rico:
Civil government provided for. Secs. 1–58, Act of Mar. 2, 1917 (39 Stat. 951–968).
"Person," as used in Act, how construed. Sec. 2, Act of June 11, 1906 (34 Stat. 234).
Postponement of election to a date to be hereafter fixed by the President on failure of Congress to pass the Act to provide a civil government for, etc., at 1st sess., 64th Cong. Sec. 6, Act of Sept. 8, 1916 (39 Stat. 830).
Restrictions upon powers granted by Act to Secretary of War. Sec. 3, Act of June 11, 1906 (34 Stat. 235).
Secretary of War is authorized to grant permits for construction of works in navigable waters in or surrounding Porto Rico. Sec. 1, Act of June 11, 1906 (34 Stat. 234).
Postmasters, oaths, may administer for pension purposes. *See* Pensions.
Post traders: Vacancies not to be filled. Act of Jan. 28, 1893 (27 Stat. 426).
Potomac Park, District of Columbia:
Made part of park system. *See* Corps of Engineers.
Restrictions on lagoons or speedways in. *See* Corps of Engineers.
Playground for children, regulation for control of, etc. *See* Corps of Engineers.
President:
Authorized to employ all persons in land and naval service in connection with Coast and Geodetic Survey work. *See* Army.
Philippine Islands, during armed resistance to regulate commercial intercourse with. *See* Philippine Islands.
Powers conferred on, may be exercised through Isthmian Canal Commission. *See* Isthmian Canal Commission.
Presidio of San Francisco Military Reservation:
Consent of United States to the closing of certain public streets of the city of San Francisco east of the eastern boundary of, and their utilization as site for a State normal school, etc. Act of Aug. 29, 1916 (39 Stat. 637).
Construction of building on, for Government exhibit and use of building after close of exhibition. *See* Panama-Pacific International Exposition.
Construction of road across, connecting Fort Winfield Scott with city and county road leading to Fort Miley. Act of Aug. 29, 1916 (39 Stat. 637).
Palace of Fine Arts, convey site of to California University in exchange for other lands. Act of May 12, 1917 (40 Stat. 57).
Panama-Pacific International Exposition and its successors in interest may be authorized to occupy portion of, with Palace of Fine Arts. Id.

Presidio of San Francisco Military Reservation—Continued.
Panama-Pacific International Exposition and its successors in interest may be authorized to occupy portion of, with Palace of Fine Arts—Continued.
Extension of cession of jurisdiction to State of California over part to be occupied during such occupancy, and to terminate on revocation of the permit, etc. Id.
Failure to remove the buildings on revocation of the permit to vest title to them in the United States. Id. 638.
Temporary cession of jurisdiction to State of California over portion used for exposition purposes. *See* Panama-Pacific International Exposition.
Prisoners, Federal:
Deduction from sentences for good conduct. Secs. 5543, 5544, R. S., as amended by Act of Mar. 3, 1875 (18 Stat. 479); Act of Mar. 3, 1891 (26 Stat. 840). Superseded by Act of June 21, 1902 (32 Stat. 397), as amended by Act of Apr. 27, 1906 (34 Stat. 149).
Military prisoners, deductions from sentence for good conduct. Secs. 1, 2, 3, Act of June 21, 1902 (32 Stat. 397).
Parole of, June 25, 1910 (36 Stat. 819), as amended by act of Jan. 23, 1913 (37 Stat. 650).
Procedure, Philippine Islands, for filing claims, etc., in court of land registration. *See* Philippine Islands.
Printing and binding:
Allotments from appropriation for, restrictions on expenditure of. Act of Aug. 1, 1914 (38 Stat. 673).
Annual reports of heads of departments, etc., time for submitting copy to Public Printer, etc. Sec. 9, Act of Aug. 1, 1914 (38 Stat. 680).
Employees in Government Printing Office not to be detailed in other executive branches of public service. Act of Aug. 1, 1914 (38 Stat. 673).
Executive departments, certificate of necessity for printing and binding to be furnished. Act of Aug. 1, 1914 (38 Stat. 673).
Expenditures from appropriations, apportionment of expenditures to work executed. Act of Aug. 1, 1914 (38 Stat. 673).
Medical Bulletin, Army, for instruction to medical officers. Act of Aug. 1, 1914 (38 Stat. 673).
Public buildings and grounds, employees, estimates and appropriations for, supervision of, etc. *See* Corps of Engineers.
Public buildings, Washington, D. C. *See* Commission of Fine Arts.
Public buildings, use of water in, from Washington Aqueduct, etc. *See* Corps of Engineers.
Public lands:
Assertion of right to, without color of title. Secs. 1 and 4, Act of Feb. 25, 1885 (23 Stat. 321).
Canal Zone, leases of. *See* Panama Canal.
Failure to extinguish fires. Secs. 2 and 3, Act of May 5, 1900 (31 Stat. 169).
Homesteads—
Additional entry, when. Sec. 2306, R. S.
not Affected by Sec. 7, Act of July 3, 1916, which is a new section to the Act of Feb. 19, 1909. (39 Stat. 344.)
Entry, mode of procedure. Sec. 2290, R. S.
Entry, who may make. Sec. 2289, R. S.
Mode of procedure. Sec. 2290, R. S.
Persons who have entered less than 160 acres. Sec. 2306, R. S.
Rights of wife and minor children of persons entitled to. Sec. 2306, R. S.

Public lands—Continued.
Homesteads—Continued.
Who may enter. Sec. 2289, R. S.
Widow and minor children of persons entitled to. Sec. 2307, R. S.
Inclosures on. Secs. 1 and 4, Act of Feb. 25, 1885 (23 Stat. 321).
Preference to homestead settlers. Act of Feb. 15, 1895 (28 Stat. 664).
Procedure for removal of unlawful inclosures. Secs. 2 and 6, Act of Feb. 25, 1885 (23 Stat. 321).
Removal of trespassers from. *See* Employment of military force.
Remove and destroy unlawful inclosures of. *See* Employment of military force.
Right of way for highways over. Sec. 2477, R. S.
Seizure of timber cut on the public lands. Act of Apr. 30, 1878 (20 Stat. 46.)
Setting fires, etc. Secs. 1 and 3, Act of May 5, 1900 (31 Stat. 169).
Settlement on and transit over, not to be obstructed. Secs. 3 and 4, Act of Feb. 25, 1885 (23 Stat. 321).
Subject to preemption. Sec. 2257, R. S.
Public Printer, time for heads of departments to submit copy of annual reports to. *See* Printing and Binding.
Public property:
Abandoned military reservations, disposition of. Act of Mar. 3, 1893 (27 Stat. 593).
Army officers accountable for, to obtain certificates of nonindebtedness, etc., before final payment on discharge. Sec. 2, Act of Jan. 12, 1899 (30 Stat. 784).
Offenses on ceded districts not prohibited by Federal law, how punished. Act of July 7, 1898 (30 Stat. 717).
Philippine Islands, destruction of on military reservations. *See* Philippine Islands.
Transportation to or from expositions or fairs, etc. *See* Interstate commerce.
Unserviceable equipment, Panama Canal, may be sold without advertising. *See* Panama Canal.
Public service, record of conviction in Juvenile Court, District of Columbia, not a disqualification for entering under the Federal or District Governments. Act of Apr. 27, 1916 (39 Stat. 56).
Public utilities, Philippine Islands, regulations to be adopted in connection with franchises for. *See* Philippine Islands.
Public works:
Injury to. *See* Corps of Engineers.
Navigable waters, unauthorized use of. *See* Corps of Engineers.
Puuloa Military Reservation, island of Oahu, Territory of Hawaii. Transfer of control and jurisdiction over to the Navy Department for use for naval purposes. Act of Aug. 29, 1916 (39 Stat. 642).
Quarantine of live stock, transportation, notice to carriers. *See* Interstate commerce.
Quartermaster Corps, supply depot for, at Fort Sam Houston, Tex., acquisition of additional land and construction of. Act of Aug. 29, 1916 (39 Stat. 636).
Quartermaster's Department, appointments in, from volunteers. Act of Mar. 2, 1901 (31 Stat. 900).
Radio station, naval, Canal Zone. *See* Panama Canal.

Radio station, naval. Lands of United States under control of a particular department, etc., that have been or may hereafter be mutually selected as site for, may be transferred to control and jurisdiction of Navy Department for naval purposes. Act of Aug. 29, 1916 (39 Stat. 606).

Railroads:

Government in Alaska. Detail of Lieut. Frederick Mears to assist in location and construction of. J. Res. No. 17, May 13, 1914 (38 Stat. 772).

Preference to military traffic in time of war. Sec. 2, Act of June 29, 1906 (34 Stat. 586).

Railways, Philippine Islands, statutory regulations governing. *See* Philippine Islands.

Red Cross:

American, memorial monument to commemorate the women of the Civil War to be permanent headquarters of, and to be charged with and responsible for the care, keeping, and maintenance of the memorial and grounds, but the title to the site and building to be in United States. Act of Oct. 22, 1913 (38 Stat. 233).

Detail of medical officer with. *See* Details of Army officers.

Red Cross Association, incorporation of, etc. Act of June 6, 1900 (31 Stat. 277); Act of Jan. 5, 1905 (33 Stat., 599).

Reformatory of District of Columbia:

Persons convicted of crimes in courts of the District and sentenced to confinement for more than one year may serve their confinement in instead of in a penitentiary, etc. Act of Sept. 1, 1916 (39 Stat. 711).

Transfer of prisoners heretofore convicted in District courts to serve remainder of terms of confinement in. Id.

Reporters, courts-martial, employment of. *See* Military tribunals.

Requisitioning plants, etc., for shipbuilding. *See* Emergency Shipping Fund.

Reservations, Indian, removal of persons from. *See* Indians.

Retired Army officers assigned to active duty as members of Alaska Board of Road Commissioners. *See* Alaska.

Revenues, Canal Zone, distribution of. *See* Panama Canal.

Revised Statutes of United States, certain sections to apply, so far as applicable to Philippine Islands. *See* Philippine Islands.

River and harbor improvements, condemnation and purchase of lands for. *See* Corps of Engineers.

River and harbor works, estimates, reports, surveys, etc., for. *See* Corps of Engineers.

Rivers and harbors:

Allotment of consolidated works. Balances carried to authorized works. Sec. 2, Act of Aug. 8, 1917 (40 Stat. 261).

Bayou Meto, Ark., declared nonnavigable. Sec. 16, Act of Aug. 8, 1917 (40 Stat. 268).

Cape Cod Canal, Mass. Purchase or condemnation authorized. Procedure. Joint action of Secretaries of War, Navy and Commerce. Sec. 4, Act of Aug. 8, 1917 (40 Stat. 262.)

Chicago River, Ill., report of survey of harbor encroachments required. Sec. 11, Act of Aug. 8, 1917 (40 Stat. 267).

Consolidated items of rivers and harbor works, with aggregate amount appropriated therefor, allotments to respective works, and disposition of balances remaining to credit of separate works or items, etc. Sec. 3, Act of Mar. 4, 1915 (38 Stat. 1052).

Contract work authorized. Sec. 3, Act of Aug. 8, 1917 (40 Stat. 261).

Rivers and harbors—Continued.
Donation of funds to be expended with public funds for improvement of rivers and harbors, Secretary of War authorized to receive from private parties. Sec. 4, Act of Mar. 4, 1915 (38 Stat. 1053).
Establish anchorage grounds in all harbors, rivers, bays, and other navigable waters, Secretary of War authorized to define and. Sec. 7, Act of Mar. 4, 1915 (38 Stat. 1053).
Funds contributed in excess of actual cost of work may be returned to representatives of contributing interests upon approval of Secretary of War, etc. Sec. 4, Act of Mar. 4, 1915 (38 Stat. 1053).
Index to annual reports of Chief of Engineers. *See* Corps of Engineers.
Minnesota and North and South Dakotas, consent of Congress to improvement of boundary waters by. Sec. 5, Act of Aug. 8, 1917 (40 Stat. 266).
Mosquito Creek, S. C., declared nonnavigable. Sec. 15, Act of Aug. 8, 1917 (40 Stat. 268).
Proceedings to secure title to lands to be given for improvements by State authorities, etc. Reimbursement of expenses. Sec. 9, Act of Aug. 8, 1917 (40 Stat. 267).
Regulation of use of harbors, etc., by Secretary of War. Sec. 7, Act of Aug. 8, 1917 (40 Stat. 266), amending sec. 4, Act of Aug. 18, 1894 (28 Stat. 362), as amended by sec. 11, Act of June 13, 1902 (32 Stat. 374).
Rentals for use of Government plants in improvement of, disposition. Sec. 13, Act. of Aug. 8, 1917 (40 Stat. 268).
Restriction on private contract work for improvement of. Sec. 6, Act of Aug. 8, 1917 (40 Stat. 266).
Rules and regulations governing, to be enforced by Chief of Engineers at ports or places where no revenue cutter is available, etc. Sec. 7, Act of Mar. 4, 1915 (38 Stat. 1053).
Saint Marys River, Ohio and Indiana, declared nonnavigable. Sec. 17, Act of Aug. 8, 1917 (40 Stat. 268).
San Diego, Cal., Atchison, Topeka & Santa Fe Railway Co. may retain wharf at; conditions; agreement as to disputes; improvements, etc., by the Government; alterations, etc., by railway company not required. Sec. 14, Act of Aug. 8, 1917 (40 Stat. 268).
Seattle, Wash., Betterton-Morgan Co. (Inc.), may construct dock on tide lands of. Sec. 12, Act of Aug. 8, 1917 (40 Stat. 267).
Secretary of War authorized to appoint a board of three officers from the Corps of Engineers to examine and appraise the value of the work and franchises of the East Canal Co. from the St. Johns River to Key West, Fla., with reference to its purchase by the Government and the construction of a free and open waterway, etc. Sec. 15, Act of Mar. 4, 1915 (38 Stat. 1058).
Specific authority required for surveys, etc. Sec. 4, Act of Aug. 8, 1917 (40 Stat. 261).
Waterways Commission—
Appropriation for expenses of. Sec. 18, Act of Aug. 8, 1917 (40 Stat. 269).
Authority for expenditures. Id.
Compensation of commission. Id.
Composition of. Id.
Consideration of rights, etc., of United States, States, etc., respecting proposed projects. Id.
Engineers, technical experts, etc., to be employed. Id.
Report of plans to Congress. Id.

Rivers and harbors—Continued.
Waterways Commission—Continued.
River and harbor projects not interferred with, etc. Id., 270.
Subjects for study, etc., designated. Id., 269.
Road Commissioners, Board of, Alaska. *See* Alaska.
Roads, public lands, right of way for highways over. *See* Public lands.
Road tax, Philippine Islands, male persons on which imposed. *See* Philippine Islands.
Sacramento River, Cal., control, of floods in. Pars. a–c, sec. 2, Act of Mar. 1, 1917 (39 Stat. 949).
Saint Johns River, Fla. Secretary of War authorized to appoint a board of three officers from the Corps of Engineers to examine and appraise the value of the work and franchises of the East Coast Canal from the river to Key West, with reference to its purchase by the Government and the construction of a free and open waterway, etc. Sec. 15, Act of Mar. 4, 1915 (38 Stat. 1058).
Saint Marys River, Ohio and Indiana, declared nonnavigable. Sec. 17, Act of Aug. 8, 1917 (40 Stat. 268).
Salem, Mass., relief of fire sufferers at, expenditures under Secretary of War. Sec. 13, Act of Aug. 1, 1914 (38 Stat. 681).
Sales, Canal Zone, construction material, etc., disposition of proceeds of. *See* Panama Canal.
Saline lands, Philippine Islands, disposition of. *See* Philippine Islands.
Sam Houston, Fort, Texas. *See* Military reservations.
San Antonio, Tex. *See* Texas Bicentennial and Pan American Exposition.
San Diego, Cal., Atchison, Topeka & Santa Fe Railway Co. may retain wharf at; conditions; agreement as to disputes; improvements, etc., by the Government; alterations, etc., by railway company not required. Sec. 14, Act of Aug. 8, 1917 (40 Stat. 268).
San Francisco, sale by city and county of, to War Department of water supply required for the military reservations in or near the city, supplied from reservoirs in Hetch Hetchy Valley, Yosemite National Park, on certain conditions, etc. Par. (u), sec. 9, Act of Dec. 19, 1913 (38 Stat. 250).
San Jacinto Military Reservation, Tex., county or city of Galveston and other local interests to quiet all claims to title to. Act of Aug. 27, 1916 (39 Stat. 398).
Schofield Barracks Military Reservation, Territory of Hawaii. Dowsett Co. (Ltd.) authorized to remove certain buildings from within specified time. Act of Aug. 29, 1916 (39 Stat. 636).
Schools, Indian:
Detail of Army officers in connection with normal and industrial training. *See* Details of Army officers.
Use of vacant military posts and barracks for normal and industrial training. *See* Details of Army officers.
Seattle, Wash., Betterton-Morgan Co. (Inc.), may construct dock on tide lands of. Sec. 12, Act of Aug. 8, 1917 (40 Stat. 267).
Secretary of War:
Acceptance by President and, from the Lincoln Farm Association, of title to the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial inclosing the same, and an endowment fund of $50,000 in relation thereto. The control of the property to be under the Secretary of War. Act of July 17, 1916 (39 Stat. 385).
Accept donation of funds to be expended with public funds for improvement of rivers and harbors. *See* Rivers and harbors.

Secretary of War—Continued.
Accept donation of lands and navigation improvements of the "Kyle and Young Canal" and the "Morrison Landing extension," Oklawaha River, Fla. Act of July 27, 1916 (39 Stat. 396).
Accept funds raised by New York World by popular subscription for construction of electric lighting plant for illuminating the Statue of Liberty, Bedloes Island, New York Harbor. Sec. 5, Act of July 27, 1916 (39 Stat. 411).
Anacostia River and Flats, acquisition of land in connection with reclamation and development of; adjustment of boundaries and exchange of lands with the Philadelphia, Baltimore & Washington Railroad, etc. Act of Mar. 3, 1917 (39 Stat. 1040, 1041).
Approve, as member of commission, site and plans for the memorial monument to commemorate the women of the Civil War, and to supervise expenditures. Act of Oct. 22, 1913 (38 Stat. 233).
Authorized to appoint a board of three officers from Corps of Engineers to examine and appraise the value of the work and franchises of the East Canal Co., from the St. Johns River to Key West, Fla., with reference to its purchase by the Government and the construction of a free and open waterway, etc. Sec. 15, Act of Mar. 4, 1915 (38 Stat. 1058).
Authorized to construct new Aqueduct Bridge. *See* Aqueduct Bridge, under Corps of Engineers.
Authorized to loan, issue, or use quartermaster's and medical supplies for the relief of destitute persons in the districts overflowed by the Mississippi River and its tributaries. J. Res. of Feb. 15, 1916 (39 Stat. 11).
Convey to State of Wisconsin or city of Portage the title of United States to "Portage Levee." Act of July 27, 1916 (39 Stat. 401).
Establish and define anchorage grounds in all harbors, rivers, bays, and other navigable waters. *See* Rivers and harbors.
Ex officio member of national military park commissions on vacancy occurring by death or resignation of members of the commissions; and, upon vacation by all members, duties of commissioners to be performed under. Act of Aug. 24, 1912 (37 Stat. 442).
Expenditures for relief of fire sufferers at Salem, Mass., to be made under. *See* Salem, Mass.
Flood sufferers in North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee, and Mississippi, relief of, with food, supplies of the Quartermaster and Medical Department, etc. J. Res. of Aug. 3, 1916 (39 Stat. 434).
Authorization extended for similar relief to flood sufferers of West Virginia. J. Res. of Aug. 24, 1916 (39 Stat. 534).
Funds contributed in excess of actual cost of work may be returned to representatives of contributing interests on approval of. *See* Rivers and harbors.
Government pier in Delaware Bay near Lewes, Del., to be open to public under regulations to be prescribed by. Act of July 27, 1916 (39 Stat. 394).
Loan ensigns, flags, etc., for purpose of decorating streets during forty-ninth encampment of the Grand Army of the Republic. *See* Grand Army of the Republic.
Loan hospital tents, ambulances, horses, drivers, etc., for caring for the sick, injured, and infirm during the encampment. *See* Grand Army of the Republic.

Secretary of War—Continued.
Niagara River, investigate water diversion from, etc., and extension of time for temporary permits for water diversion. J. Res. of June 30, 1917 (40 Stat. 241).
Permits for construction of works in navigable waters of Porto Rico. *See* Porto Rico.
Permits to use reservations and other public spaces in city of Washington during encampment. *See* Grand Army of the Republic.
Regulation of use of harbors, etc. Sec. 7, act of Aug. 8, 1917 (40 Stat. 266), amending sec. 4, Act of Aug. 18, 1894 (28 Stat. 162), as amended by sec. 11, act of June 13, 1902 (32 Stat. 374).
Superintendence and control of the Washington Aqueduct, including its rights, appurtenances, and fixtures, to remain under. Act of Sept. 1, 1916 (39 Stat. 713).
Supply tents for temporary use of the sufferers from recent conflagration at Paris, Tex., etc. Act of Apr. 11, 1916 (39 Stat. 50).
Transfer of abandoned military reservation for use as home for care and treatment of persons afflicted with leprosy. Secs. 1–6, Act of Feb. 3, 1917 (39 Stat. 872–3).
Sequoia National Park:
See also National parks.
Removal of trespassers, etc., from. *See* Employment of military force.
Shiloh National Military Park. *See* National military parks.
Shipping fund, emergency. *See* Emergency shipping fund.
Signal Office:
Employment of one radio engineer and such radio assistants as the Secretary of War may deem necessary, but the number of persons so employed, their duties, and compensation to be reported to Congress with the annual estimates. Act of May 10, 1916 (39 Stat. 91).
Employment of skilled draftsmen and such other services as the Secretary of War may deem necessary, but the number of persons so employed, their duties, and compensation to be reported to Congress with the annual estimates. Id.
Signal Corps, supply depot for, on Fort Sam Houston Military Reservation, Tex., acquisition of additional land and construction of. Act of Aug. 29, 1916 (39 Stat. 636).
Small arms, authorization for sale of rifles and ordnance to Cuba. *See* Cuba.
Soldiers' Home:
Medical Department of Army authorized to sell medical and hospital supplies to, at contract price. Sec. 1, Act of June 4, 1897 (30 Stat. 54).
See also National Home for Disabled Volunteer Soldiers.
National Home for Disabled Volunteers—
Inspection of. *See* Inspector General's Department.
National Sanitarium at Hot Springs, S. Dak., in connection with. *See* Medical Department.
State and Territorial homes to be paid for care of disabled soldiers and sailors. *See* National Home for Disabled Volunteer Soldiers.
South Carolina flood sufferers of 1916, Secretary of War authorized to relieve with food, supplies of the Quartermaster and Medical Departments, etc. J. Res. of Aug. 3, 1916 (39 Stat. 434).
South Dakota, North Dakota, and Minnesota, consent of Congress to improvement of boundary waters by. Sec. 5, Act of Aug. 8, 1917 (40 Stat. 266).
Southern Pacific Railroad, post route and military road. *See* Transportation.

South Pass, Mississippi River, location and extent, regulations for, etc. *See* Corps of Engineers.

Spanish-American War, reimbursement of State of Kentucky for expenses in aiding to raise volunteers for. Act of Feb. 26, 1917 (39 Stat., vol. 2, 289).

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